

1 AN ACT revise the law by combining multiple enactments and  
2 making technical corrections.

3 **Be it enacted by the People of the State of Illinois,**  
4 **represented in the General Assembly:**

5 Section 1. Nature of this Act.

6 (a) This Act may be cited as the First 2010 General  
7 Revisory Act.

8 (b) This Act is not intended to make any substantive change  
9 in the law. It reconciles conflicts that have arisen from  
10 multiple amendments and enactments and makes technical  
11 corrections and revisions in the law.

12 This Act revises and, where appropriate, renumbers certain  
13 Sections that have been added or amended by more than one  
14 Public Act. In certain cases in which a repealed Act or Section  
15 has been replaced with a successor law, this Act may  
16 incorporate amendments to the repealed Act or Section into the  
17 successor law. This Act also corrects errors, revises  
18 cross-references, and deletes obsolete text.

19 (c) In this Act, the reference at the end of each amended  
20 Section indicates the sources in the Session Laws of Illinois  
21 that were used in the preparation of the text of that Section.  
22 The text of the Section included in this Act is intended to  
23 include the different versions of the Section found in the  
24 Public Acts included in the list of sources, but may not

1 include other versions of the Section to be found in Public  
2 Acts not included in the list of sources. The list of sources  
3 is not a part of the text of the Section.

4 (d) Public Acts 95-1004 through 96-856, with some  
5 exceptions because of other legislation pending action by the  
6 Governor, were considered in the preparation of the combining  
7 revisories included in this Act. Many of those combining  
8 revisories contain no striking or underscoring because no  
9 additional changes are being made in the material that is being  
10 combined.

11 Section 5. The Regulatory Sunset Act is amended by changing  
12 Sections 4.20 and 4.30 as follows:

13 (5 ILCS 80/4.20)

14 Sec. 4.20. Act ~~Acts~~ repealed on ~~January 1, 2010~~ and  
15 December 31, 2010. ~~(a) The following Acts are repealed on~~  
16 ~~January 1, 2010: (b)~~ The following Act is repealed on December  
17 31, 2010:

18 The Medical Practice Act of 1987.

19 (Source: P.A. 95-1018, eff. 12-18-08; 96-610, eff. 8-24-09;  
20 96-626, eff. 8-24-09; 96-682, eff. 8-25-09; 96-730, eff.  
21 8-25-09; 96-855, eff. 12-31-09; 96-856, eff. 12-31-09; revised  
22 1-6-10.)

23 (5 ILCS 80/4.30)

1 (Text of Section before amendment by P.A. 96-726)

2 Sec. 4.30. Acts ~~Act~~ repealed on January 1, 2020. The  
3 following Acts are ~~Act is~~ repealed on January 1, 2020:

4 The Auction License Act.

5 The Illinois Architecture Practice Act of 1989.

6 The Illinois Landscape Architecture Act of 1989.

7 The Illinois Professional Land Surveyor Act of 1989.

8 The Land Sales Registration Act of 1999.

9 The Orthotics, Prosthetics, and Pedorthics Practice Act.

10 The Perfusionist Practice Act.

11 The Professional Engineering Practice Act of 1989.

12 The Real Estate License Act of 2000.

13 The Structural Engineering Practice Act of 1989.

14 (Source: P.A. 96-610, eff. 8-24-09; 96-626, eff. 8-24-09;

15 96-682, eff. 8-25-09; 96-730, eff. 8-25-09; 96-855, eff.

16 12-31-09; 96-856, eff. 12-31-09; revised 1-6-10.)

17 (Text of Section after amendment by P.A. 96-726)

18 Sec. 4.30. Acts ~~Act~~ repealed on January 1, 2020. The  
19 following Acts are ~~Act is~~ repealed on January 1, 2020:

20 The Auction License Act.

21 The Community Association Manager Licensing and  
22 Disciplinary Act.

23 The Illinois Architecture Practice Act of 1989.

24 The Illinois Landscape Architecture Act of 1989.

25 The Illinois Professional Land Surveyor Act of 1989.

1 The Land Sales Registration Act of 1999.

2 The Orthotics, Prosthetics, and Pedorthics Practice Act.

3 The Perfusionist Practice Act.

4 The Professional Engineering Practice Act of 1989.

5 The Real Estate License Act of 2000.

6 The Structural Engineering Practice Act of 1989.

7 (Source: P.A. 96-610, eff. 8-24-09; 96-626, eff. 8-24-09;  
8 96-682, eff. 8-25-09; 96-726, eff. 7-1-10; 96-730, eff.  
9 8-25-09; 96-855, eff. 12-31-09; 96-856, eff. 12-31-09; revised  
10 1-6-10.)

11 (5 ILCS 80/4.18 rep.)

12 Section 7. The Regulatory Sunset Act is amended by  
13 repealing Section 4.18.

14 Section 10. The Freedom of Information Act is amended by  
15 changing Sections 2, 4, and 6 as follows:

16 (5 ILCS 140/2) (from Ch. 116, par. 202)

17 Sec. 2. Definitions. As used in this Act:

18 (a) "Public body" means all legislative, executive,  
19 administrative, or advisory bodies of the State, state  
20 universities and colleges, counties, townships, cities,  
21 villages, incorporated towns, school districts and all other  
22 municipal corporations, boards, bureaus, committees, or  
23 commissions of this State, any subsidiary bodies of any of the

1 foregoing including but not limited to committees and  
2 subcommittees thereof, and a School Finance Authority created  
3 under Article 1E of the School Code. "Public body" does not  
4 include a child death review team or the Illinois Child Death  
5 Review Teams Executive Council established under the Child  
6 Death Review Team Act.

7 (b) "Person" means any individual, corporation,  
8 partnership, firm, organization or association, acting  
9 individually or as a group.

10 (c) "Public records" means all records, reports, forms,  
11 writings, letters, memoranda, books, papers, maps,  
12 photographs, microfilms, cards, tapes, recordings, electronic  
13 data processing records, electronic communications, recorded  
14 information and all other documentary materials pertaining to  
15 the transaction of public business, regardless of physical form  
16 or characteristics, having been prepared by or for, or having  
17 been or being used by, received by, in the possession of, or  
18 under the control of any public body; ~~and (xviii) reports~~  
19 ~~prepared by institutions of higher education in the State of~~  
20 ~~Illinois documenting their relationship with credit card~~  
21 ~~issuers, otherwise disclosed to the Illinois Board of Higher~~  
22 ~~Education.~~

23 (c-5) "Private information" means unique identifiers,  
24 including a person's social security number, driver's license  
25 number, employee identification number, biometric identifiers,  
26 personal financial information, passwords or other access

1 codes, medical records, home or personal telephone numbers, and  
2 personal email addresses. Private information also includes  
3 home address and personal license plates, except as otherwise  
4 provided by law or when compiled without possibility of  
5 attribution to any person.

6 (c-10) "Commercial purpose" means the use of any part of a  
7 public record or records, or information derived from public  
8 records, in any form for sale, resale, or solicitation or  
9 advertisement for sales or services. For purposes of this  
10 definition, requests made by news media and non-profit,  
11 scientific, or academic organizations shall not be considered  
12 to be made for a "commercial purpose" when the principal  
13 purpose of the request is (i) to access and disseminate  
14 information concerning news and current or passing events, (ii)  
15 for articles of opinion or features of interest to the public,  
16 or (iii) for the purpose of academic, scientific, or public  
17 research or education.

18 (d) "Copying" means the reproduction of any public record  
19 by means of any photographic, electronic, mechanical or other  
20 process, device or means now known or hereafter developed and  
21 available to the public body.

22 (e) "Head of the public body" means the president, mayor,  
23 chairman, presiding officer, director, superintendent,  
24 manager, supervisor or individual otherwise holding primary  
25 executive and administrative authority for the public body, or  
26 such person's duly authorized designee.

1 (f) "News media" means a newspaper or other periodical  
2 issued at regular intervals whether in print or electronic  
3 format, a news service whether in print or electronic format, a  
4 radio station, a television station, a television network, a  
5 community antenna television service, or a person or  
6 corporation engaged in making news reels or other motion  
7 picture news for public showing.

8 (Source: P.A. 96-261, eff. 1-1-10; 96-542, eff. 1-1-10; revised  
9 9-15-09.)

10 (5 ILCS 140/4) (from Ch. 116, par. 204)

11 Sec. 4. Each public body shall prominently display at each  
12 of its administrative or regional offices, make available for  
13 inspection and copying, and send through the mail if requested,  
14 each of the following:

15 (a) A brief description of itself, which will include,  
16 but not be limited to, a short summary of its purpose, a  
17 block diagram giving its functional subdivisions, the  
18 total amount of its operating budget, the number and  
19 location of all of its separate offices, the approximate  
20 number of full and part-time employees, and the  
21 identification and membership of any board, commission,  
22 committee, or council which operates in an advisory  
23 capacity relative to the operation of the public body, or  
24 which exercises control over its policies or procedures, or  
25 to which the public body is required to report and be

1 answerable for its operations; and

2 (b) A brief description of the methods whereby the  
3 public may request information and public records, a  
4 directory designating the Freedom of Information officer  
5 or officers, the address where requests for public records  
6 should be directed, and any fees allowable under Section 6  
7 of this Act.

8 ~~(c)~~ A public body that maintains a website shall also post  
9 this information on its website.

10 (Source: P.A. 96-542, eff. 1-1-10; revised 10-30-09.)

11 (5 ILCS 140/6) (from Ch. 116, par. 206)

12 Sec. 6. Authority to charge fees.

13 (a) When a person requests a copy of a record maintained in  
14 an electronic format, the public body shall furnish it in the  
15 electronic format specified by the requester, if feasible. If  
16 it is not feasible to furnish the public records in the  
17 specified electronic format, then the public body shall furnish  
18 it in the format in which it is maintained by the public body,  
19 or in paper format at the option of the requester. A public  
20 body may charge the requester for the actual cost of purchasing  
21 the recording medium, whether disc, diskette, tape, or other  
22 medium. A public body may not charge the requester for the  
23 costs of any search for and review of the records or other  
24 personnel costs associated with reproducing the records.  
25 Except to the extent that the General Assembly expressly

1 provides, statutory fees applicable to copies of public records  
2 when furnished in a paper format shall not be applicable to  
3 those records when furnished in an electronic format.

4 (b) Except when a fee is otherwise fixed by statute, each  
5 public body may charge fees reasonably calculated to reimburse  
6 its actual cost for reproducing and certifying public records  
7 and for the use, by any person, of the equipment of the public  
8 body to copy records. No fees shall be charged for the first 50  
9 pages of black and white, letter or legal sized copies  
10 requested by a requester. The fee for black and white, letter  
11 or legal sized copies shall not exceed 15 cents per page. If a  
12 public body provides copies in color or in a size other than  
13 letter or legal, the public body may not charge more than its  
14 actual cost for reproducing the records. In calculating its  
15 actual cost for reproducing records or for the use of the  
16 equipment of the public body to reproduce records, a public  
17 body shall not include the costs of any search for and review  
18 of the records or other personnel costs associated with  
19 reproducing the records. Such fees shall be imposed according  
20 to a standard scale of fees, established and made public by the  
21 body imposing them. The cost for certifying a record shall not  
22 exceed \$1.

23 (c) Documents shall be furnished without charge or at a  
24 reduced charge, as determined by the public body, if the person  
25 requesting the documents states the specific purpose for the  
26 request and indicates that a waiver or reduction of the fee is

1 in the public interest. Waiver or reduction of the fee is in  
2 the public interest if the principal purpose of the request is  
3 to access and disseminate information regarding the health,  
4 safety and welfare or the legal rights of the general public  
5 and is not for the principal purpose of personal or commercial  
6 benefit. For purposes of this subsection, "commercial benefit"  
7 shall not apply to requests made by news media when the  
8 principal purpose of the request is to access and disseminate  
9 information regarding the health, safety, and welfare or the  
10 legal rights of the general public. In setting the amount of  
11 the waiver or reduction, the public body may take into  
12 consideration the amount of materials requested and the cost of  
13 copying them.

14 (d) The imposition of a fee not consistent with subsections  
15 (6) (a) and (b) of this Act constitutes a denial of access to  
16 public records for the purposes of judicial review.

17 (e) ~~(d)~~ The fee for each abstract of a driver's record  
18 shall be as provided in Section 6-118 of "The Illinois Vehicle  
19 Code", approved September 29, 1969, as amended, whether  
20 furnished as a paper copy or as an electronic copy.

21 (Source: P.A. 96-542, eff. 1-1-10; revised 1-4-10.)

22 Section 15. The Elected Officials Misconduct Forfeiture  
23 Act is amended by changing Section 5 as follows:

24 (5 ILCS 282/5)

1           Sec. 5. Definitions. For the purposes of this Act, "elected  
2 official" means any former elected official whose term of  
3 office is terminated by operation of law for conviction of an  
4 offense, who is removed from office on conviction of  
5 impeachment for misconduct in office, or who resigned from  
6 office prior to, upon, or after conviction; and "proceeds"  
7 means any interest in property of any kind acquired through or  
8 caused by an act or omission, or derived from the act or  
9 omission, directly or indirectly, and any fruits of this  
10 interest, in whatever form.

11           (Source: P.A. 96-597, eff. 8-18-09; revised 10-30-09.)

12           Section 20. The State Employees Group Insurance Act of 1971  
13 is amended by changing Section 6.11 as follows:

14           (5 ILCS 375/6.11)

15           Sec. 6.11. Required health benefits; Illinois Insurance  
16 Code requirements. The program of health benefits shall provide  
17 the post-mastectomy care benefits required to be covered by a  
18 policy of accident and health insurance under Section 356t of  
19 the Illinois Insurance Code. The program of health benefits  
20 shall provide the coverage required under Sections 356g,  
21 356g.5, 356g.5-1, 356m, 356u, 356w, 356x, 356z.2, 356z.4,  
22 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, ~~and~~  
23 356z.13, ~~and~~ 356z.14, 356z.15 ~~and 356z.14~~, and 356z.17 ~~356z.15~~  
24 of the Illinois Insurance Code. The program of health benefits

1 must comply with Section 155.37 of the Illinois Insurance Code.

2 Rulemaking authority to implement Public Act 95-1045 ~~this~~  
3 ~~amendatory Act of the 95th General Assembly~~, if any, is  
4 conditioned on the rules being adopted in accordance with all  
5 provisions of the Illinois Administrative Procedure Act and all  
6 rules and procedures of the Joint Committee on Administrative  
7 Rules; any purported rule not so adopted, for whatever reason,  
8 is unauthorized.

9 (Source: P.A. 95-189, eff. 8-16-07; 95-422, eff. 8-24-07;  
10 95-520, eff. 8-28-07; 95-876, eff. 8-21-08; 95-958, eff.  
11 6-1-09; 95-978, eff. 1-1-09; 95-1005, eff. 12-12-08; 95-1044,  
12 eff. 3-26-09; 95-1045, eff. 3-27-09; 95-1049, eff. 1-1-10;  
13 96-139, eff. 1-1-10; 96-328, eff. 8-11-09; 96-639, eff. 1-1-10;  
14 revised 10-22-09.)

15 Section 25. The Illinois Governmental Ethics Act is amended  
16 by changing Sections 4A-101 and 4A-107 as follows:

17 (5 ILCS 420/4A-101) (from Ch. 127, par. 604A-101)

18 Sec. 4A-101. Persons required to file. The following  
19 persons shall file verified written statements of economic  
20 interests, as provided in this Article:

21 (a) Members of the General Assembly and candidates for  
22 nomination or election to the General Assembly.

23 (b) Persons holding an elected office in the Executive  
24 Branch of this State, and candidates for nomination or

1 election to these offices.

2 (c) Members of a Commission or Board created by the  
3 Illinois Constitution, and candidates for nomination or  
4 election to such Commission or Board.

5 (d) Persons whose appointment to office is subject to  
6 confirmation by the Senate and persons appointed by the  
7 Governor to any other position on a board or commission  
8 described in subsection (a) of Section 15 of the  
9 Gubernatorial Boards and Commissions Act.

10 (e) Holders of, and candidates for nomination or  
11 election to, the office of judge or associate judge of the  
12 Circuit Court and the office of judge of the Appellate or  
13 Supreme Court.

14 (f) Persons who are employed by any branch, agency,  
15 authority or board of the government of this State,  
16 including but not limited to, the Illinois State Toll  
17 Highway Authority, the Illinois Housing Development  
18 Authority, the Illinois Community College Board, and  
19 institutions under the jurisdiction of the Board of  
20 Trustees of the University of Illinois, Board of Trustees  
21 of Southern Illinois University, Board of Trustees of  
22 Chicago State University, Board of Trustees of Eastern  
23 Illinois University, Board of Trustees of Governor's State  
24 University, Board of Trustees of Illinois State  
25 University, Board of Trustees of Northeastern Illinois  
26 University, Board of Trustees of Northern Illinois

1 University, Board of Trustees of Western Illinois  
2 University, or Board of Trustees of the Illinois  
3 Mathematics and Science Academy, and are compensated for  
4 services as employees and not as independent contractors  
5 and who:

6 (1) are, or function as, the head of a department,  
7 commission, board, division, bureau, authority or  
8 other administrative unit within the government of  
9 this State, or who exercise similar authority within  
10 the government of this State;

11 (2) have direct supervisory authority over, or  
12 direct responsibility for the formulation,  
13 negotiation, issuance or execution of contracts  
14 entered into by the State in the amount of \$5,000 or  
15 more;

16 (3) have authority for the issuance or  
17 promulgation of rules and regulations within areas  
18 under the authority of the State;

19 (4) have authority for the approval of  
20 professional licenses;

21 (5) have responsibility with respect to the  
22 financial inspection of regulated nongovernmental  
23 entities;

24 (6) adjudicate, arbitrate, or decide any judicial  
25 or administrative proceeding, or review the  
26 adjudication, arbitration or decision of any judicial

1 or administrative proceeding within the authority of  
2 the State;

3 (7) have supervisory responsibility for 20 or more  
4 employees of the State;

5 (8) negotiate, assign, authorize, or grant naming  
6 rights or sponsorship rights regarding any property or  
7 asset of the State, whether real, personal, tangible,  
8 or intangible; or

9 (9) have responsibility with respect to the  
10 procurement of goods or services.

11 (g) Persons who are elected to office in a unit of  
12 local government, and candidates for nomination or  
13 election to that office, including regional  
14 superintendents of school districts.

15 (h) Persons appointed to the governing board of a unit  
16 of local government, or of a special district, and persons  
17 appointed to a zoning board, or zoning board of appeals, or  
18 to a regional, county, or municipal plan commission, or to  
19 a board of review of any county, and persons appointed to  
20 the Board of the Metropolitan Pier and Exposition Authority  
21 and any Trustee appointed under Section 22 of the  
22 Metropolitan Pier and Exposition Authority Act, and  
23 persons appointed to a board or commission of a unit of  
24 local government who have authority to authorize the  
25 expenditure of public funds. This subsection does not apply  
26 to members of boards or commissions who function in an

1 advisory capacity.

2 (i) Persons who are employed by a unit of local  
3 government and are compensated for services as employees  
4 and not as independent contractors and who:

5 (1) are, or function as, the head of a department,  
6 division, bureau, authority or other administrative  
7 unit within the unit of local government, or who  
8 exercise similar authority within the unit of local  
9 government;

10 (2) have direct supervisory authority over, or  
11 direct responsibility for the formulation,  
12 negotiation, issuance or execution of contracts  
13 entered into by the unit of local government in the  
14 amount of \$1,000 or greater;

15 (3) have authority to approve licenses and permits  
16 by the unit of local government; this item does not  
17 include employees who function in a ministerial  
18 capacity;

19 (4) adjudicate, arbitrate, or decide any judicial  
20 or administrative proceeding, or review the  
21 adjudication, arbitration or decision of any judicial  
22 or administrative proceeding within the authority of  
23 the unit of local government;

24 (5) have authority to issue or promulgate rules and  
25 regulations within areas under the authority of the  
26 unit of local government; or

1           (6) have supervisory responsibility for 20 or more  
2 employees of the unit of local government.

3           (j) Persons on the Board of Trustees of the Illinois  
4 Mathematics and Science Academy.

5           (k) Persons employed by a school district in positions  
6 that require that person to hold an administrative or a  
7 chief school business official endorsement.

8           (l) Special government agents. A "special government  
9 agent" is a person who is directed, retained, designated,  
10 appointed, or employed, with or without compensation, by or  
11 on behalf of a statewide executive branch constitutional  
12 officer to make an ex parte communication under Section  
13 5-50 of the State Officials and Employees Ethics Act or  
14 Section 5-165 of the Illinois Administrative Procedure  
15 Act.

16           (m) Members of the board of commissioners of any flood  
17 prevention district.

18           (n) Members of the board of any retirement system or  
19 investment board established under the Illinois Pension  
20 Code, if not required to file under any other provision of  
21 this Section.

22           (o) Members of the board of any pension fund  
23 established under the Illinois Pension Code, if not  
24 required to file under any other provision of this Section.

25           This Section shall not be construed to prevent any unit of  
26 local government from enacting financial disclosure

1 requirements that mandate more information than required by  
2 this Act.

3 (Source: P.A. 95-719, eff. 5-21-08; 96-6, eff. 4-3-09; 96-543,  
4 eff. 8-17-09; 96-555, eff. 8-18-09; revised 9-21-09.)

5 (5 ILCS 420/4A-107) (from Ch. 127, par. 604A-107)

6 Sec. 4A-107. Any person required to file a statement of  
7 economic interests under this Article who willfully files a  
8 false or incomplete statement shall be guilty of a Class A  
9 misdemeanor.

10 Except when the fees and penalties for late filing have  
11 been waived under Section 4A-105, failure to file a statement  
12 within the time prescribed shall result in ineligibility for,  
13 or forfeiture of, office or position of employment, as the case  
14 may be; provided, however, that if the notice of failure to  
15 file a statement of economic interests provided in Section  
16 4A-105 of this Act is not given by the Secretary of State or  
17 the county clerk, as the case may be, no forfeiture shall  
18 result if a statement is filed within 30 days of actual notice  
19 of the failure to file. The Secretary of State shall provide  
20 the Attorney General with the names of persons who failed to  
21 file a statement. The county clerk shall provide the State's  
22 Attorney of the county of the entity for which the filing of  
23 statement of economic interest is required with the name of  
24 persons who failed to file a statement.

25 The Attorney General, with respect to offices or positions

1 described in items (a) through (f) and items (j), (l), and (n)  
2 of Section 4A-101 of this Act, or the State's Attorney of the  
3 county of the entity for which the filing of statements of  
4 economic interests is required, with respect to offices or  
5 positions described in items (g) through (i), item (k), and  
6 item (o) of Section 4A-101 of this Act, shall bring an action  
7 in quo warranto against any person who has failed to file by  
8 either May 31 or June 30 of any given year and for whom the fees  
9 and penalties for late filing have not been waived under  
10 Section 4A-105.

11 (Source: P.A. 96-6, eff. 4-3-09; 96-550, eff. 8-17-09; revised  
12 9-15-09.)

13 Section 30. The State Commemorative Dates Act is amended by  
14 setting forth and renumbering multiple versions of Section 125  
15 as follows:

16 (5 ILCS 490/125)

17 Sec. 125. Parkinson's Awareness Month. April of each year  
18 is designated as Parkinson's Awareness Month, to be observed  
19 throughout the State as a month to promote the awareness of  
20 Parkinson's disease.

21 (Source: P.A. 96-375, eff. 1-1-10.)

22 (5 ILCS 490/130)

23 Sec. 130 ~~125~~. Ovarian and Prostate Cancer Awareness Month.

1 The month of September of each year is designated as Ovarian  
2 and Prostate Cancer Awareness Month to be observed throughout  
3 the State as a month set apart to promote advocacy activities  
4 and the study of ovarian and prostate cancer and to honor those  
5 whose lives have been impacted by the disease. The Governor may  
6 annually issue a proclamation designating September as Ovarian  
7 and Prostate Cancer Awareness Month and calling upon the  
8 citizens of the State to promote awareness of ovarian and  
9 prostate cancer.

10 (Source: P.A. 96-396, eff. 1-1-10; revised 9-15-09.)

11 (5 ILCS 490/135)

12 Sec. 135 ~~125~~. Brain Aneurysm Awareness Month. September of  
13 each year is designated as Brain Aneurysm Awareness Month, to  
14 be observed throughout the State as a month to promote the  
15 awareness of brain aneurysm prevention and treatment.

16 (Source: P.A. 96-463, eff. 1-1-10; revised 9-15-09.)

17 (5 ILCS 490/140)

18 Sec. 140 ~~125~~. Children's Day (El Dia de los Ninos). The  
19 second Sunday in June each year is a holiday to be known as  
20 Children's Day (El Dia de los Ninos). Children's Day is to be  
21 observed throughout the State as a day to recognize and  
22 acknowledge the lives of all children and to pledge our  
23 dedication to their future and ours.

24 (Source: P.A. 96-465, eff. 1-1-10; revised 9-15-09.)

1 (5 ILCS 490/145)

2 Sec. 145 ~~125~~. Peace Officers Memorial Day; National Peace  
3 Officers Memorial Day.

4 (a) The first Thursday in May of each year is designated  
5 Peace Officers Memorial Day in Illinois. Peace Officers  
6 Memorial Day shall be observed throughout the State by the  
7 citizens of Illinois with civic remembrances of the sacrifices  
8 made on their behalf by the peace officers of Illinois,  
9 especially the ultimate sacrifice given by those officers who  
10 lost their lives in the line of duty.

11 (b) May 15th of each year is recognized in Illinois as  
12 National Peace Officers Memorial Day, to be observed throughout  
13 the State in coordination with the citizens of the United  
14 States with respect and gratitude for the service to America  
15 given by peace officers across the nation.

16 (Source: P.A. 96-518, eff. 1-1-10; revised 9-15-09.)

17 (5 ILCS 490/150)

18 Sec. 150 ~~125~~. Adlai Stevenson Day. February 5 of each year  
19 is designated as Adlai Stevenson Day, to be observed throughout  
20 the State as a day to remember and honor the legacy of public  
21 service of Adlai Stevenson II (1900-1965), Governor of Illinois  
22 and United States Ambassador to the United Nations.

23 (Source: P.A. 96-559, eff. 1-1-10; revised 9-15-09.)

1 Section 35. The Election Code is amended by changing  
2 Sections 1-3, 3-3, 4-10, 5-9, 7-14.1, 19-3, and 20-2.3 as  
3 follows:

4 (10 ILCS 5/1-3) (from Ch. 46, par. 1-3)

5 Sec. 1-3. As used in this Act, unless the context otherwise  
6 requires:

7 1. "Election" includes the submission of all questions of  
8 public policy, propositions, and all measures submitted to  
9 popular vote, and includes primary elections when so indicated  
10 by the context.

11 2. "Regular election" means the general, general primary,  
12 consolidated and consolidated primary elections regularly  
13 scheduled in Article 2A. The even numbered year municipal  
14 primary established in Article 2A is a regular election only  
15 with respect to those municipalities in which a primary is  
16 required to be held on such date.

17 3. "Special election" means an election not regularly  
18 recurring at fixed intervals, irrespective of whether it is  
19 held at the same time and place and by the same election  
20 officers as a regular election.

21 4. "General election" means the biennial election at which  
22 members of the General Assembly are elected. "General primary  
23 election", "consolidated election" and "consolidated primary  
24 election" mean the respective elections or the election dates  
25 designated and established in Article 2A of this Code.

1           5. "Municipal election" means an election or primary,  
2 either regular or special, in cities, villages, and  
3 incorporated towns; and "municipality" means any such city,  
4 village or incorporated town.

5           6. "Political or governmental subdivision" means any unit  
6 of local government, or school district in which elections are  
7 or may be held. "Political or governmental subdivision" also  
8 includes, for election purposes, Regional Boards of School  
9 Trustees, and Township Boards of School Trustees.

10          7. The word "township" and the word "town" shall apply  
11 interchangeably to the type of governmental organization  
12 established in accordance with the provisions of the Township  
13 Code. The term "incorporated town" shall mean a municipality  
14 referred to as an incorporated town in the Illinois Municipal  
15 Code, as now or hereafter amended.

16          8. "Election authority" means a county clerk or a Board of  
17 Election Commissioners.

18          9. "Election Jurisdiction" means (a) an entire county, in  
19 the case of a county in which no city board of election  
20 commissioners is located or which is under the jurisdiction of  
21 a county board of election commissioners; (b) the territorial  
22 jurisdiction of a city board of election commissioners; and (c)  
23 the territory in a county outside of the jurisdiction of a city  
24 board of election commissioners. In each instance election  
25 jurisdiction shall be determined according to which election  
26 authority maintains the permanent registration records of

1 qualified electors.

2 10. "Local election official" means the clerk or secretary  
3 of a unit of local government or school district, as the case  
4 may be, the treasurer of a township board of school trustees,  
5 and the regional superintendent of schools with respect to the  
6 various school officer elections and school referenda for which  
7 the regional superintendent is assigned election duties by The  
8 School Code, as now or hereafter amended.

9 11. "Judges of election", "primary judges" and similar  
10 terms, as applied to cases where there are 2 sets of judges,  
11 when used in connection with duties at an election during the  
12 hours the polls are open, refer to the team of judges of  
13 election on duty during such hours; and, when used with  
14 reference to duties after the closing of the polls, refer to  
15 the team of tally judges designated to count the vote after the  
16 closing of the polls and the holdover judges designated  
17 pursuant to Section 13-6.2 or 14-5.2. In such case, where,  
18 after the closing of the polls, any act is required to be  
19 performed by each of the judges of election, it shall be  
20 performed by each of the tally judges and by each of the  
21 holdover judges.

22 12. "Petition" of candidacy as used in Sections 7-10 and  
23 7-10.1 shall consist of a statement of candidacy, candidate's  
24 statement containing oath, and sheets containing signatures of  
25 qualified primary electors bound together.

26 13. "Election district" and "precinct", when used with

1 reference to a 30-day residence requirement, means the smallest  
2 constituent territory in which electors vote as a unit at the  
3 same polling place in any election governed by this Act.

4 14. "District" means any area which votes as a unit for the  
5 election of any officer, other than the State or a unit of  
6 local government or school district, and includes, but is not  
7 limited to, legislative, congressional and judicial districts,  
8 judicial circuits, county board districts, municipal and  
9 sanitary district wards, school board districts, and  
10 precincts.

11 15. "Question of public policy" or "public question" means  
12 any question, proposition or measure submitted to the voters at  
13 an election dealing with subject matter other than the  
14 nomination or election of candidates and shall include, but is  
15 not limited to, any bond or tax referendum, and questions  
16 relating to the Constitution.

17 16. "Ordinance providing the form of government of a  
18 municipality or county pursuant to Article VII of the  
19 Constitution" includes ordinances, resolutions and petitions  
20 adopted by referendum which provide for the form of government,  
21 the officers or the manner of selection or terms of office of  
22 officers of such municipality or county, pursuant to the  
23 provisions of Sections 4, 6 or 7 of Article VII of the  
24 Constitution.

25 17. "List" as used in Sections 4-11, 4-22, 5-14, 5-29,  
26 6-60, and 6-66 shall include a computer tape or computer disc

1 or other electronic data processing information containing  
2 voter information.

3 18. "Accessible" means accessible to handicapped and  
4 elderly individuals for the purpose of voting or registration,  
5 as determined by rule of the State Board of Elections.

6 19. "Elderly" means 65 years of age or older.

7 20. "Handicapped" means having a temporary or permanent  
8 physical disability.

9 21. "Leading political party" means one of the two  
10 political parties whose candidates for governor at the most  
11 recent three gubernatorial elections received either the  
12 highest or second highest average number of votes. The  
13 political party whose candidates for governor received the  
14 highest average number of votes shall be known as the first  
15 leading political party and the political party whose  
16 candidates for governor received the second highest average  
17 number of votes shall be known as the second leading political  
18 party.

19 22. "Business day" means any day in which the office of an  
20 election authority, local election official or the State Board  
21 of Elections is open to the public for a minimum of 7 hours.

22 23. "Homeless individual" means any person who has a  
23 nontraditional residence, including, but not limited to, a  
24 shelter, day shelter, park bench, street corner, or space under  
25 a bridge.

26 (Source: P.A. 90-358, eff. 1-1-98; revised 11-18-09.)

1 (10 ILCS 5/3-3) (from Ch. 46, par. 3-3)

2 (Text of Section before amendment by P.A. 96-339)

3 Sec. 3-3. Every honorably discharged soldier or sailor who  
4 is an inmate of any soldiers' and sailors' home within the  
5 State of Illinois, any person who is a resident of a facility  
6 licensed or certified pursuant to the Nursing Home Care Act, or  
7 any person who is a resident of a community-integrated living  
8 arrangement, as defined in Section 3 of the  
9 Community-Integrated Living Arrangements Licensure and  
10 Certification Act, for 30 days or longer, and who is a citizen  
11 of the United States and has resided in this State and in the  
12 election district 30 days next preceding any election shall be  
13 entitled to vote in the election district in which any such  
14 home or community-integrated living arrangement in which he is  
15 an inmate or resident is located, for all officers that now are  
16 or hereafter may be elected by the people, and upon all  
17 questions that may be submitted to the vote of the people:  
18 Provided, that he shall declare upon oath, that it was his bona  
19 fide intention at the time he entered said home or  
20 community-integrated living arrangement to become a resident  
21 thereof.

22 (Source: P.A. 96-563, eff. 1-1-10.)

23 (Text of Section after amendment by P.A. 96-339)

24 Sec. 3-3. Every honorably discharged soldier or sailor who

1 is an inmate of any soldiers' and sailors' home within the  
2 State of Illinois, any person who is a resident of a facility  
3 licensed or certified pursuant to the Nursing Home Care Act or  
4 the MR/DD Community Care Act, or any person who is a resident  
5 of a community-integrated living arrangement, as defined in  
6 Section 3 of the Community-Integrated Living Arrangements  
7 Licensure and Certification Act, for 30 days or longer, and who  
8 is a citizen of the United States and has resided in this State  
9 and in the election district 30 days next preceding any  
10 election shall be entitled to vote in the election district in  
11 which any such home or community-integrated living arrangement  
12 in which he is an inmate or resident is located, for all  
13 officers that now are or hereafter may be elected by the  
14 people, and upon all questions that may be submitted to the  
15 vote of the people: Provided, that he shall declare upon oath,  
16 that it was his bona fide intention at the time he entered said  
17 home or community-integrated living arrangement to become a  
18 resident thereof.

19 (Source: P.A. 96-339, eff. 7-1-10; 96-563, eff. 1-1-10; revised  
20 9-25-09.)

21 (10 ILCS 5/4-10) (from Ch. 46, par. 4-10)

22 (Text of Section before amendment by P.A. 96-339)

23 Sec. 4-10. Except as herein provided, no person shall be  
24 registered, unless he applies in person to a registration  
25 officer, answers such relevant questions as may be asked of him

1 by the registration officer, and executes the affidavit of  
2 registration. The registration officer shall require the  
3 applicant to furnish two forms of identification, and except in  
4 the case of a homeless individual, one of which must include  
5 his or her residence address. These forms of identification  
6 shall include, but not be limited to, any of the following:  
7 driver's license, social security card, public aid  
8 identification card, utility bill, employee or student  
9 identification card, lease or contract for a residence, credit  
10 card, or a civic, union or professional association membership  
11 card. The registration officer shall require a homeless  
12 individual to furnish evidence of his or her use of the mailing  
13 address stated. This use may be demonstrated by a piece of mail  
14 addressed to that individual and received at that address or by  
15 a statement from a person authorizing use of the mailing  
16 address. The registration officer shall require each applicant  
17 for registration to read or have read to him the affidavit of  
18 registration before permitting him to execute the affidavit.

19 One of the registration officers or a deputy registration  
20 officer, county clerk, or clerk in the office of the county  
21 clerk, shall administer to all persons who shall personally  
22 apply to register the following oath or affirmation:

23 "You do solemnly swear (or affirm) that you will fully and  
24 truly answer all such questions as shall be put to you touching  
25 your name, place of residence, place of birth, your  
26 qualifications as an elector and your right as such to register

1 and vote under the laws of the State of Illinois."

2 The registration officer shall satisfy himself that each  
3 applicant for registration is qualified to register before  
4 registering him. If the registration officer has reason to  
5 believe that the applicant is a resident of a Soldiers' and  
6 Sailors' Home or any facility which is licensed or certified  
7 pursuant to the Nursing Home Care Act, the following question  
8 shall be put, "When you entered the home which is your present  
9 address, was it your bona fide intention to become a resident  
10 thereof?" Any voter of a township, city, village or  
11 incorporated town in which such applicant resides, shall be  
12 permitted to be present at the place of any precinct  
13 registration and shall have the right to challenge any  
14 applicant who applies to be registered.

15 In case the officer is not satisfied that the applicant is  
16 qualified he shall forthwith notify such applicant in writing  
17 to appear before the county clerk to complete his registration.  
18 Upon the card of such applicant shall be written the word  
19 "incomplete" and no such applicant shall be permitted to vote  
20 unless such registration is satisfactorily completed as  
21 hereinafter provided. No registration shall be taken and marked  
22 as incomplete if information to complete it can be furnished on  
23 the date of the original application.

24 Any person claiming to be an elector in any election  
25 precinct and whose registration card is marked "Incomplete" may  
26 make and sign an application in writing, under oath, to the

1 county clerk in substance in the following form:

2 "I do solemnly swear that I, ....., did on (insert date)  
3 make application to the board of registry of the .... precinct  
4 of the township of .... (or to the county clerk of .... county)  
5 and that said board or clerk refused to complete my  
6 registration as a qualified voter in said precinct. That I  
7 reside in said precinct, that I intend to reside in said  
8 precinct, and am a duly qualified voter of said precinct and am  
9 entitled to be registered to vote in said precinct at the next  
10 election.

11 (Signature of applicant) ....."

12 All such applications shall be presented to the county  
13 clerk or to his duly authorized representative by the  
14 applicant, in person between the hours of 9:00 a.m. and 5:00  
15 p.m. on any day after the days on which the 1969 and 1970  
16 precinct re-registrations are held but not on any day within 27  
17 days preceding the ensuing general election and thereafter for  
18 the registration provided in Section 4-7 all such applications  
19 shall be presented to the county clerk or his duly authorized  
20 representative by the applicant in person between the hours of  
21 9:00 a.m. and 5:00 p.m. on any day prior to 27 days preceding  
22 the ensuing general election. Such application shall be heard  
23 by the county clerk or his duly authorized representative at  
24 the time the application is presented. If the applicant for  
25 registration has registered with the county clerk, such

1 application may be presented to and heard by the county clerk  
2 or by his duly authorized representative upon the dates  
3 specified above or at any time prior thereto designated by the  
4 county clerk.

5 Any otherwise qualified person who is absent from his  
6 county of residence either due to business of the United States  
7 or because he is temporarily outside the territorial limits of  
8 the United States may become registered by mailing an  
9 application to the county clerk within the periods of  
10 registration provided for in this Article, or by simultaneous  
11 application for absentee registration and absentee ballot as  
12 provided in Article 20 of this Code.

13 Upon receipt of such application the county clerk shall  
14 immediately mail an affidavit of registration in duplicate,  
15 which affidavit shall contain the following and such other  
16 information as the State Board of Elections may think it proper  
17 to require for the identification of the applicant:

18 Name. The name of the applicant, giving surname and first  
19 or Christian name in full, and the middle name or the initial  
20 for such middle name, if any.

21 Sex.

22 Residence. The name and number of the street, avenue or  
23 other location of the dwelling, and such additional clear and  
24 definite description as may be necessary to determine the exact  
25 location of the dwelling of the applicant. Where the location  
26 cannot be determined by street and number, then the Section,

1 congressional township and range number may be used, or such  
2 other information as may be necessary, including post office  
3 mailing address.

4 Term of residence in the State of Illinois and the  
5 precinct.

6 Nativity. The State or country in which the applicant was  
7 born.

8 Citizenship. Whether the applicant is native born or  
9 naturalized. If naturalized, the court, place and date of  
10 naturalization.

11 Age. Date of birth, by month, day and year.

12 Out of State address of .....

13 AFFIDAVIT OF REGISTRATION

14 State of .....

15 )ss

16 County of .....

17 I hereby swear (or affirm) that I am a citizen of the  
18 United States; that on the day of the next election I shall  
19 have resided in the State of Illinois and in the election  
20 precinct 30 days; that I am fully qualified to vote, that I am  
21 not registered to vote anywhere else in the United States, that  
22 I intend to remain a resident of the State of Illinois and of  
23 the election precinct, that I intend to return to the State of  
24 Illinois, and that the above statements are true.

25 .....

26 (His or her signature or mark)



1 identification card, lease or contract for a residence, credit  
2 card, or a civic, union or professional association membership  
3 card. The registration officer shall require a homeless  
4 individual to furnish evidence of his or her use of the mailing  
5 address stated. This use may be demonstrated by a piece of mail  
6 addressed to that individual and received at that address or by  
7 a statement from a person authorizing use of the mailing  
8 address. The registration officer shall require each applicant  
9 for registration to read or have read to him the affidavit of  
10 registration before permitting him to execute the affidavit.

11 One of the registration officers or a deputy registration  
12 officer, county clerk, or clerk in the office of the county  
13 clerk, shall administer to all persons who shall personally  
14 apply to register the following oath or affirmation:

15 "You do solemnly swear (or affirm) that you will fully and  
16 truly answer all such questions as shall be put to you touching  
17 your name, place of residence, place of birth, your  
18 qualifications as an elector and your right as such to register  
19 and vote under the laws of the State of Illinois."

20 The registration officer shall satisfy himself that each  
21 applicant for registration is qualified to register before  
22 registering him. If the registration officer has reason to  
23 believe that the applicant is a resident of a Soldiers' and  
24 Sailors' Home or any facility which is licensed or certified  
25 pursuant to the Nursing Home Care Act or the MR/DD Community  
26 Care Act, the following question shall be put, "When you

1 entered the home which is your present address, was it your  
2 bona fide intention to become a resident thereof?" Any voter of  
3 a township, city, village or incorporated town in which such  
4 applicant resides, shall be permitted to be present at the  
5 place of any precinct registration and shall have the right to  
6 challenge any applicant who applies to be registered.

7 In case the officer is not satisfied that the applicant is  
8 qualified he shall forthwith notify such applicant in writing  
9 to appear before the county clerk to complete his registration.  
10 Upon the card of such applicant shall be written the word  
11 "incomplete" and no such applicant shall be permitted to vote  
12 unless such registration is satisfactorily completed as  
13 hereinafter provided. No registration shall be taken and marked  
14 as incomplete if information to complete it can be furnished on  
15 the date of the original application.

16 Any person claiming to be an elector in any election  
17 precinct and whose registration card is marked "Incomplete" may  
18 make and sign an application in writing, under oath, to the  
19 county clerk in substance in the following form:

20 "I do solemnly swear that I, ....., did on (insert date)  
21 make application to the board of registry of the .... precinct  
22 of the township of .... (or to the county clerk of .... county)  
23 and that said board or clerk refused to complete my  
24 registration as a qualified voter in said precinct. That I  
25 reside in said precinct, that I intend to reside in said  
26 precinct, and am a duly qualified voter of said precinct and am

1 entitled to be registered to vote in said precinct at the next  
2 election.

3 (Signature of applicant) ....."

4 All such applications shall be presented to the county  
5 clerk or to his duly authorized representative by the  
6 applicant, in person between the hours of 9:00 a.m. and 5:00  
7 p.m. on any day after the days on which the 1969 and 1970  
8 precinct re-registrations are held but not on any day within 27  
9 days preceding the ensuing general election and thereafter for  
10 the registration provided in Section 4-7 all such applications  
11 shall be presented to the county clerk or his duly authorized  
12 representative by the applicant in person between the hours of  
13 9:00 a.m. and 5:00 p.m. on any day prior to 27 days preceding  
14 the ensuing general election. Such application shall be heard  
15 by the county clerk or his duly authorized representative at  
16 the time the application is presented. If the applicant for  
17 registration has registered with the county clerk, such  
18 application may be presented to and heard by the county clerk  
19 or by his duly authorized representative upon the dates  
20 specified above or at any time prior thereto designated by the  
21 county clerk.

22 Any otherwise qualified person who is absent from his  
23 county of residence either due to business of the United States  
24 or because he is temporarily outside the territorial limits of  
25 the United States may become registered by mailing an

1 application to the county clerk within the periods of  
2 registration provided for in this Article, or by simultaneous  
3 application for absentee registration and absentee ballot as  
4 provided in Article 20 of this Code.

5 Upon receipt of such application the county clerk shall  
6 immediately mail an affidavit of registration in duplicate,  
7 which affidavit shall contain the following and such other  
8 information as the State Board of Elections may think it proper  
9 to require for the identification of the applicant:

10 Name. The name of the applicant, giving surname and first  
11 or Christian name in full, and the middle name or the initial  
12 for such middle name, if any.

13 Sex.

14 Residence. The name and number of the street, avenue or  
15 other location of the dwelling, and such additional clear and  
16 definite description as may be necessary to determine the exact  
17 location of the dwelling of the applicant. Where the location  
18 cannot be determined by street and number, then the Section,  
19 congressional township and range number may be used, or such  
20 other information as may be necessary, including post office  
21 mailing address.

22 Term of residence in the State of Illinois and the  
23 precinct.

24 Nativity. The State or country in which the applicant was  
25 born.

26 Citizenship. Whether the applicant is native born or

1 naturalized. If naturalized, the court, place and date of  
2 naturalization.

3 Age. Date of birth, by month, day and year.

4 Out of State address of .....

5 AFFIDAVIT OF REGISTRATION

6 State of .....)

7 )ss

8 County of .....)

9 I hereby swear (or affirm) that I am a citizen of the  
10 United States; that on the day of the next election I shall  
11 have resided in the State of Illinois and in the election  
12 precinct 30 days; that I am fully qualified to vote, that I am  
13 not registered to vote anywhere else in the United States, that  
14 I intend to remain a resident of the State of Illinois and of  
15 the election precinct, that I intend to return to the State of  
16 Illinois, and that the above statements are true.

17 .....

18 (His or her signature or mark)

19 Subscribed and sworn to before me, an officer qualified to  
20 administer oaths, on (insert date).

21 .....

22 Signature of officer administering oath.

23 Upon receipt of the executed duplicate affidavit of  
24 Registration, the county clerk shall transfer the information  
25 contained thereon to duplicate Registration Cards provided for  
26 in Section 4-8 of this Article and shall attach thereto a copy

1 of each of the duplicate affidavit of registration and  
2 thereafter such registration card and affidavit shall  
3 constitute the registration of such person the same as if he  
4 had applied for registration in person.

5 (Source: P.A. 96-317, eff. 1-1-10; 96-339, eff. 7-1-10; revised  
6 9-25-09.)

7 (10 ILCS 5/5-9) (from Ch. 46, par. 5-9)

8 (Text of Section before amendment by P.A. 96-339)

9 Sec. 5-9. Except as herein provided, no person shall be  
10 registered unless he applies in person to registration officer,  
11 answers such relevant questions as may be asked of him by the  
12 registration officer, and executes the affidavit of  
13 registration. The registration officer shall require the  
14 applicant to furnish two forms of identification, and except in  
15 the case of a homeless individual, one of which must include  
16 his or her residence address. These forms of identification  
17 shall include, but not be limited to, any of the following:  
18 driver's license, social security card, public aid  
19 identification card, utility bill, employee or student  
20 identification card, lease or contract for a residence, credit  
21 card, or a civic, union or professional association membership  
22 card. The registration officer shall require a homeless  
23 individual to furnish evidence of his or her use of the mailing  
24 address stated. This use may be demonstrated by a piece of mail  
25 addressed to that individual and received at that address or by

1 a statement from a person authorizing use of the mailing  
2 address. The registration officer shall require each applicant  
3 for registration to read or have read to him the affidavit of  
4 registration before permitting him to execute the affidavit.

5 One of the Deputy Registrars, the Judge of Registration, or  
6 an Officer of Registration, County Clerk, or clerk in the  
7 office of the County Clerk, shall administer to all persons who  
8 shall personally apply to register the following oath or  
9 affirmation:

10 "You do solemnly swear (or affirm) that you will fully and  
11 truly answer all such questions as shall be put to you touching  
12 your place of residence, name, place of birth, your  
13 qualifications as an elector and your right as such to register  
14 and vote under the laws of the State of Illinois."

15 The Registration Officer shall satisfy himself that each  
16 applicant for registration is qualified to register before  
17 registering him. If the registration officer has reason to  
18 believe that the applicant is a resident of a Soldiers' and  
19 Sailors' Home or any facility which is licensed or certified  
20 pursuant to the Nursing Home Care Act, the following question  
21 shall be put, "When you entered the home which is your present  
22 address, was it your bona fide intention to become a resident  
23 thereof?" Any voter of a township, city, village or  
24 incorporated town in which such applicant resides, shall be  
25 permitted to be present at the place of precinct registration,  
26 and shall have the right to challenge any applicant who applies

1 to be registered.

2 In case the officer is not satisfied that the applicant is  
3 qualified, he shall forthwith in writing notify such applicant  
4 to appear before the County Clerk to furnish further proof of  
5 his qualifications. Upon the card of such applicant shall be  
6 written the word "Incomplete" and no such applicant shall be  
7 permitted to vote unless such registration is satisfactorily  
8 completed as hereinafter provided. No registration shall be  
9 taken and marked as "incomplete" if information to complete it  
10 can be furnished on the date of the original application.

11 Any person claiming to be an elector in any election  
12 precinct in such township, city, village or incorporated town  
13 and whose registration is marked "Incomplete" may make and sign  
14 an application in writing, under oath, to the County Clerk in  
15 substance in the following form:

16 "I do solemnly swear that I, ....., did on (insert  
17 date) make application to the Board of Registry of the .....  
18 precinct of ..... ward of the City of .... or of the  
19 ..... District ..... Town of ..... (or to the  
20 County Clerk of ..... ) and ..... County; that  
21 said Board or Clerk refused to complete my registration as a  
22 qualified voter in said precinct, that I reside in said  
23 precinct (or that I intend to reside in said precinct), am a  
24 duly qualified voter and entitled to vote in said precinct at  
25 the next election.

26 .....

1 (Signature of Applicant)"

2 All such applications shall be presented to the County  
3 Clerk by the applicant, in person between the hours of nine  
4 o'clock a.m. and five o'clock p.m., on Monday and Tuesday of  
5 the third week subsequent to the weeks in which the 1961 and  
6 1962 precinct re-registrations are to be held, and thereafter  
7 for the registration provided in Section 5-17 of this Article,  
8 all such applications shall be presented to the County Clerk by  
9 the applicant in person between the hours of nine o'clock a.m.  
10 and nine o'clock p.m. on Monday and Tuesday of the third week  
11 prior to the date on which such election is to be held.

12 Any otherwise qualified person who is absent from his  
13 county of residence either due to business of the United States  
14 or because he is temporarily outside the territorial limits of  
15 the United States may become registered by mailing an  
16 application to the county clerk within the periods of  
17 registration provided for in this Article or by simultaneous  
18 application for absentee registration and absentee ballot as  
19 provided in Article 20 of this Code.

20 Upon receipt of such application the county clerk shall  
21 immediately mail an affidavit of registration in duplicate,  
22 which affidavit shall contain the following and such other  
23 information as the State Board of Elections may think it proper  
24 to require for the identification of the applicant:

25 Name. The name of the applicant, giving surname and first  
26 or Christian name in full, and the middle name or the initial

1 for such middle name, if any.

2 Sex.

3 Residence. The name and number of the street, avenue or  
4 other location of the dwelling, and such additional clear and  
5 definite description as may be necessary to determine the exact  
6 location of the dwelling of the applicant. Where the location  
7 cannot be determined by street and number, then the Section,  
8 congressional township and range number may be used, or such  
9 other information as may be necessary, including post office  
10 mailing address.

11 Term of residence in the State of Illinois and the  
12 precinct.

13 Nativity. The State or country in which the applicant was  
14 born.

15 Citizenship. Whether the applicant is native born or  
16 naturalized. If naturalized, the court, place and date of  
17 naturalization.

18 Age. Date of birth, by month, day and year.

19 Out of State address of .....

20 AFFIDAVIT OF REGISTRATION

21 State of .....)

22 )ss

23 County of .....)

24 I hereby swear (or affirm) that I am a citizen of the  
25 United States; that on the day of the next election I shall  
26 have resided in the State of Illinois for 6 months and in the

1 election precinct 30 days; that I am fully qualified to vote,  
 2 that I am not registered to vote anywhere else in the United  
 3 States, that I intend to remain a resident of the State of  
 4 Illinois and of the election precinct, that I intend to return  
 5 to the State of Illinois, and that the above statements are  
 6 true.

7 .....

8 (His or her signature or mark)

9 Subscribed and sworn to before me, an officer qualified to  
 10 administer oaths, on (insert date).

11 .....

12 Signature of officer administering oath.

13

14 Upon receipt of the executed duplicate affidavit of  
 15 Registration, the county clerk shall transfer the information  
 16 contained thereon to duplicate Registration Cards provided for  
 17 in Section 5-7 of this Article and shall attach thereto a copy  
 18 of each of the duplicate affidavit of registration and  
 19 thereafter such registration card and affidavit shall  
 20 constitute the registration of such person the same as if he  
 21 had applied for registration in person.

22 (Source: P.A. 96-317, eff. 1-1-10.)

23 (Text of Section after amendment by P.A. 96-339)

24 Sec. 5-9. Except as herein provided, no person shall be

1 registered unless he applies in person to registration officer,  
2 answers such relevant questions as may be asked of him by the  
3 registration officer, and executes the affidavit of  
4 registration. The registration officer shall require the  
5 applicant to furnish two forms of identification, and except in  
6 the case of a homeless individual, one of which must include  
7 his or her residence address. These forms of identification  
8 shall include, but not be limited to, any of the following:  
9 driver's license, social security card, public aid  
10 identification card, utility bill, employee or student  
11 identification card, lease or contract for a residence, credit  
12 card, or a civic, union or professional association membership  
13 card. The registration officer shall require a homeless  
14 individual to furnish evidence of his or her use of the mailing  
15 address stated. This use may be demonstrated by a piece of mail  
16 addressed to that individual and received at that address or by  
17 a statement from a person authorizing use of the mailing  
18 address. The registration officer shall require each applicant  
19 for registration to read or have read to him the affidavit of  
20 registration before permitting him to execute the affidavit.

21 One of the Deputy Registrars, the Judge of Registration, or  
22 an Officer of Registration, County Clerk, or clerk in the  
23 office of the County Clerk, shall administer to all persons who  
24 shall personally apply to register the following oath or  
25 affirmation:

26 "You do solemnly swear (or affirm) that you will fully and

1 truly answer all such questions as shall be put to you touching  
2 your place of residence, name, place of birth, your  
3 qualifications as an elector and your right as such to register  
4 and vote under the laws of the State of Illinois."

5 The Registration Officer shall satisfy himself that each  
6 applicant for registration is qualified to register before  
7 registering him. If the registration officer has reason to  
8 believe that the applicant is a resident of a Soldiers' and  
9 Sailors' Home or any facility which is licensed or certified  
10 pursuant to the Nursing Home Care Act or the MR/DD Community  
11 Care Act, the following question shall be put, "When you  
12 entered the home which is your present address, was it your  
13 bona fide intention to become a resident thereof?" Any voter of  
14 a township, city, village or incorporated town in which such  
15 applicant resides, shall be permitted to be present at the  
16 place of precinct registration, and shall have the right to  
17 challenge any applicant who applies to be registered.

18 In case the officer is not satisfied that the applicant is  
19 qualified, he shall forthwith in writing notify such applicant  
20 to appear before the County Clerk to furnish further proof of  
21 his qualifications. Upon the card of such applicant shall be  
22 written the word "Incomplete" and no such applicant shall be  
23 permitted to vote unless such registration is satisfactorily  
24 completed as hereinafter provided. No registration shall be  
25 taken and marked as "incomplete" if information to complete it  
26 can be furnished on the date of the original application.

1 Any person claiming to be an elector in any election  
 2 precinct in such township, city, village or incorporated town  
 3 and whose registration is marked "Incomplete" may make and sign  
 4 an application in writing, under oath, to the County Clerk in  
 5 substance in the following form:

6 "I do solemnly swear that I, ....., did on (insert  
 7 date) make application to the Board of Registry of the .....  
 8 precinct of ..... ward of the City of .... or of the  
 9 ..... District ..... Town of ..... (or to the  
 10 County Clerk of ..... ) and ..... County; that  
 11 said Board or Clerk refused to complete my registration as a  
 12 qualified voter in said precinct, that I reside in said  
 13 precinct (or that I intend to reside in said precinct), am a  
 14 duly qualified voter and entitled to vote in said precinct at  
 15 the next election.

16 .....  
 17 (Signature of Applicant)"

18 All such applications shall be presented to the County  
 19 Clerk by the applicant, in person between the hours of nine  
 20 o'clock a.m. and five o'clock p.m., on Monday and Tuesday of  
 21 the third week subsequent to the weeks in which the 1961 and  
 22 1962 precinct re-registrations are to be held, and thereafter  
 23 for the registration provided in Section 5-17 of this Article,  
 24 all such applications shall be presented to the County Clerk by  
 25 the applicant in person between the hours of nine o'clock a.m.  
 26 and nine o'clock p.m. on Monday and Tuesday of the third week

1 prior to the date on which such election is to be held.

2 Any otherwise qualified person who is absent from his  
3 county of residence either due to business of the United States  
4 or because he is temporarily outside the territorial limits of  
5 the United States may become registered by mailing an  
6 application to the county clerk within the periods of  
7 registration provided for in this Article or by simultaneous  
8 application for absentee registration and absentee ballot as  
9 provided in Article 20 of this Code.

10 Upon receipt of such application the county clerk shall  
11 immediately mail an affidavit of registration in duplicate,  
12 which affidavit shall contain the following and such other  
13 information as the State Board of Elections may think it proper  
14 to require for the identification of the applicant:

15 Name. The name of the applicant, giving surname and first  
16 or Christian name in full, and the middle name or the initial  
17 for such middle name, if any.

18 Sex.

19 Residence. The name and number of the street, avenue or  
20 other location of the dwelling, and such additional clear and  
21 definite description as may be necessary to determine the exact  
22 location of the dwelling of the applicant. Where the location  
23 cannot be determined by street and number, then the Section,  
24 congressional township and range number may be used, or such  
25 other information as may be necessary, including post office  
26 mailing address.

1 Term of residence in the State of Illinois and the  
2 precinct.

3 Nativity. The State or country in which the applicant was  
4 born.

5 Citizenship. Whether the applicant is native born or  
6 naturalized. If naturalized, the court, place and date of  
7 naturalization.

8 Age. Date of birth, by month, day and year.

9 Out of State address of .....

10 AFFIDAVIT OF REGISTRATION

11 State of .....

12 )ss

13 County of .....

14 I hereby swear (or affirm) that I am a citizen of the  
15 United States; that on the day of the next election I shall  
16 have resided in the State of Illinois for 6 months and in the  
17 election precinct 30 days; that I am fully qualified to vote,  
18 that I am not registered to vote anywhere else in the United  
19 States, that I intend to remain a resident of the State of  
20 Illinois and of the election precinct, that I intend to return  
21 to the State of Illinois, and that the above statements are  
22 true.

23 .....

24 (His or her signature or mark)

25 Subscribed and sworn to before me, an officer qualified to  
26 administer oaths, on (insert date).

1 .....  
2

Signature of officer administering oath.

3

4 Upon receipt of the executed duplicate affidavit of  
5 Registration, the county clerk shall transfer the information  
6 contained thereon to duplicate Registration Cards provided for  
7 in Section 5-7 of this Article and shall attach thereto a copy  
8 of each of the duplicate affidavit of registration and  
9 thereafter such registration card and affidavit shall  
10 constitute the registration of such person the same as if he  
11 had applied for registration in person.

12 (Source: P.A. 96-317, eff. 1-1-10; 96-339, eff. 7-1-10; revised  
13 9-25-09.)

14 (10 ILCS 5/7-14.1) (from Ch. 46, par. 7-14.1)

15 Sec. 7-14.1. Delegates and alternate delegates to national  
16 nominating conventions shall be chosen according to one of the  
17 following alternative methods of allocating delegates for  
18 election. The State central committee of each political party  
19 established pursuant to this Article 7 shall certify to the  
20 State Board of Elections, not less than 30 days prior to the  
21 first date for filing of petitions for election as delegate or  
22 alternate delegate to a national nominating convention, which  
23 of the following alternatives it wishes to be utilized in  
24 allocating the delegates and alternate delegates to which

1 Illinois will be entitled at its national nominating  
2 convention. The State Board of Elections shall meet promptly  
3 and, not less than 20 days prior to the first date for filing  
4 of such petitions, shall publish and certify to the county  
5 clerk in each county the number of delegates or alternate  
6 delegates to be elected from each congressional district or  
7 from the State at large or State convention of a political  
8 party, as the case may be, according to the method chosen by  
9 each State central committee. If a State central committee  
10 fails to certify to the State Board of Elections its choice of  
11 one of the following methods prior to the aforementioned  
12 meeting of the State Board of Elections, the State Board of  
13 Elections shall certify delegates for that political party  
14 pursuant to whichever of the alternatives below was used by  
15 that political party pursuant to whichever of the alternatives  
16 below was used by that political party in the most recent year  
17 in which delegates were selected, subject to any subsequent  
18 amendments.

19 Prior to the aforementioned meeting of the State Board of  
20 Elections at which the Board shall publish and certify to the  
21 county clerk the number of delegates or alternate delegates to  
22 be elected from each congressional district or the State at  
23 large or State convention, the Secretary of State shall  
24 ascertain from the call of the national convention of each  
25 political party the number of delegates and alternate delegates  
26 to which Illinois will be entitled at the respective national

1 nominating conventions. The Secretary of State shall report the  
2 number of delegates and alternate delegates to which Illinois  
3 will be entitled at the respective national nominating  
4 conventions to the State Board of Elections convened as  
5 aforesaid to be utilized by the State Board of Elections in  
6 calculating the number of delegates and alternates to be  
7 elected from each congressional district in the State at large  
8 or State convention, as the case may be.

9       Alternative A: The State Board of Elections shall allocate  
10 the number of delegates and alternate delegates to which the  
11 State is entitled among the congressional districts in the  
12 State.

13       1. Of the number of delegates to which the State is  
14 entitled, 10, plus those remaining unallocated under paragraph  
15 2, shall be delegates at large. The State central committee of  
16 the appropriate political party shall determine whether the  
17 delegates at large shall be (a) elected in the primary from the  
18 State at large, (b) selected by the State convention, or (c)  
19 chosen by a combination of these 2 methods. If the State  
20 central committee determines that all or a specified number of  
21 the delegates at large shall be elected in the primary, the  
22 committee shall file with the Board a report of such  
23 determination at the same time it certifies the alternative it  
24 wishes to use in allocating its delegates.

25       2. All delegates other than the delegates at large shall be  
26 elected from the congressional districts. Two delegates shall

1 be allocated from this number to each district. After reserving  
2 10 delegates to be delegates at large and allocating 2  
3 delegates to each district, the Board shall allocate the  
4 remaining delegates to the congressional districts pursuant to  
5 the following formula:

6 (a) For each district, the number of remaining  
7 delegates shall be multiplied by a fraction, the numerator  
8 of which is the vote cast in the congressional district for  
9 the party's nominee in the last Presidential election, and  
10 the denominator of which is the vote cast in the State for  
11 the party's nominee in the last Presidential election.

12 (b) The Board shall first allocate to each district a  
13 number of delegates equal to the whole number in the  
14 product resulting from the multiplication procedure in  
15 subparagraph (a).

16 (c) The Board shall then allocate any remaining  
17 delegates, one to each district, in the order of the  
18 largest fractional remainder in the product resulting from  
19 the multiplication procedure in subparagraph (a), omitting  
20 those districts for which that product is less than 1.875.

21 (d) The Board shall then allocate any remaining  
22 delegates, one to each district, in the order of the  
23 largest fractional remainder in the product resulting from  
24 the multiplication procedure in subparagraph (a), among  
25 those districts for which that product is at least one but  
26 less than 1.875.

1           (e) Any delegates remaining unallocated shall be  
2 delegates at large and shall be selected as determined by  
3 the State central committee under paragraph 1 of this  
4 Alternative A.

5           3. The alternate delegates at large shall be allocated in  
6 the same manner as the delegates at large. The alternate  
7 delegates other than the alternate delegates at large shall be  
8 allocated in the same manner as the delegates other than the  
9 delegates at large.

10           Alternative B: the chairman of the State central committee  
11 shall file with the State Board of Elections a statement of the  
12 number of delegates and alternate delegates to which the State  
13 is entitled and the number of such delegates and alternate  
14 delegates to be elected from congressional districts. The State  
15 Board of Elections shall allocate such number of delegates and  
16 alternate delegates, as the case may be, among the  
17 congressional districts in the State for election from the  
18 congressional districts.

19           The Board shall utilize the sum of 1/3 of each of the  
20 following formulae to determine the number of delegates and  
21 alternate delegates, as the case may be, to be elected from  
22 each congressional district:

23           (1) Formula 1 shall be determined by multiplying paragraphs  
24 (a) ~~a~~, (b), ~~b~~ and (c) ~~c~~ together as follows:

25           (a) The fraction derived by dividing the population of  
26 the district by the population of the State and adding to

1 that fraction the following: 1/2 of the fraction calculated  
2 by dividing the total district vote for the party's  
3 candidate in the most recent presidential election by the  
4 total statewide vote for that candidate in that election,  
5 plus 1/2 of the fraction calculated by dividing the total  
6 district vote for the party's candidate in the second most  
7 recent Presidential election by the total statewide vote  
8 for that candidate in that election;

9 (b) 1/2;

10 (c) The number of delegates or alternate delegates, as  
11 the case may be, to which the State is entitled at the  
12 party's national nominating convention.

13 (2) Formula 2 shall be determined by multiplying paragraphs

14 (a) ~~a~~, (b), ~~b~~ and (c) ~~c~~ together as follows:

15 (a) The fraction calculated by dividing the total  
16 numbers of votes in the district for the party's candidate  
17 in the most recent Gubernatorial election by the total  
18 statewide vote for that candidate in that election, plus,  
19 the fraction calculated by dividing the total district vote  
20 for the party's candidate in the most recent presidential  
21 election by the total statewide vote for that candidate in  
22 that election;~~;~~

23 (b) 1/2;

24 (c) The number of delegates or alternate delegates, as  
25 the case may be, to which the State is entitled at the  
26 party's national nominating convention.

1           (3) Formula 3 shall be determined by multiplying paragraphs  
2   (a) ~~a~~, (b), ~~b~~ and (c) ~~c~~ together as follows:

3           (a) 1/2 of the fraction calculated by dividing the  
4   total district vote for the party's candidate in the most  
5   recent presidential election by the total statewide vote  
6   for that candidate in that election, plus 1/2 of the  
7   fraction calculated by dividing the total district vote for  
8   the party's candidate in the second most recent  
9   presidential election by the total statewide vote for that  
10   candidate in that election. This sum shall be added to the  
11   fraction calculated by dividing the total voter  
12   registration of the party in the district by the total  
13   voter registration of the party in the State as of January  
14   1 of the year prior to the year in which the national  
15   nominating convention is held;

16           (b) 1/2;

17           (c) The number of delegates or alternate delegates, as  
18   the case may be, to which the State is entitled at the  
19   party's national nominating convention.

20           Fractional numbers of delegates and alternate delegates  
21   shall be rounded upward in rank order to the next whole number,  
22   largest fraction first, until the total number of delegates and  
23   alternate delegates, respectively, to be so chosen have been  
24   allocated.

25           The remainder of the delegates and alternate delegates  
26   shall be selected as determined by the State central committee

1 of the party and shall be certified to the State Board of  
2 Elections by the chairman of the State central committee.

3 Notwithstanding anything to the contrary contained herein,  
4 with respect to all aspects of the selection of delegates and  
5 alternate delegates to a national nominating convention under  
6 Alternative B, this Code shall be superseded ~~superceded~~ by the  
7 delegate selection rules and policies of the national political  
8 party including, but not limited to, the development of an  
9 affirmative action plan.

10 (Source: P.A. 85-903; 85-958; 86-1089; revised 10-30-09.)

11 (10 ILCS 5/19-3) (from Ch. 46, par. 19-3)

12 Sec. 19-3. Application for such ballot shall be made on  
13 blanks to be furnished by the election authority and  
14 duplication of such application for ballot is prohibited,  
15 except by the election authority. The application for ballot  
16 shall be substantially in the following form:

17 APPLICATION FOR ABSENTEE BALLOT

18 To be voted at the .... election in the County of .... and  
19 State of Illinois, in the .... precinct of the (1) \*township of  
20 .... (2) \*City of .... or (3) \*.... ward in the City of ....

21 I state that I am a resident of the .... precinct of the  
22 (1) \*township of .... (2) \*City of .... or (3) \*.... ward in  
23 the city of .... residing at .... in such city or town in the  
24 county of .... and State of Illinois; that I have lived at such  
25 address for .... month(s) last past; that I am lawfully

1 entitled to vote in such precinct at the .... election to be  
2 held therein on ....; and that I wish to vote by absentee  
3 ballot.

4 I hereby make application for an official ballot or ballots  
5 to be voted by me at such election, and I agree that I shall  
6 return such ballot or ballots to the official issuing the same  
7 prior to the closing of the polls on the date of the election  
8 or, if returned by mail, postmarked no later than midnight  
9 preceding election day, for counting no later than during the  
10 period for counting provisional ballots, the last day of which  
11 is the 14th day following election day.

12 Under penalties as provided by law pursuant to Section  
13 29-10 of The Election Code, the undersigned certifies that the  
14 statements set forth in this application are true and correct.

15 .....

16 \*fill in either (1), (2) or (3).

17 Post office address to which ballot is mailed:

18 .....

19 However, if application is made for a primary election  
20 ballot, such application shall designate the name of the  
21 political party with which the applicant is affiliated.

22 ~~or, if returned by mail, postmarked no later than midnight~~  
23 ~~preceding election day, for counting no later than during the~~  
24 ~~period for counting provisional ballots, the last day of which~~  
25 ~~is the 14th day following election day~~

26 ~~or, if returned by mail, postmarked no later than midnight~~

1 ~~preceding election day, for counting no later than during the~~  
2 ~~period for counting provisional ballots, the last day of which~~  
3 ~~is the 14th day following election day~~

4 ~~or, if returned by mail, postmarked no later than midnight~~  
5 ~~preceding election day, for counting no later than during the~~  
6 ~~period for counting provisional ballots, the last day of which~~  
7 ~~is the 14th day following election day~~

8 ~~or, if returned by mail, postmarked no later than midnight~~  
9 ~~preceding election day, for counting no later than during the~~  
10 ~~period for counting provisional ballots, the last day of which~~  
11 ~~is the 14th day following election day~~

12 ~~or, if returned by mail, postmarked no later than midnight~~  
13 ~~preceding election day, for counting no later than during the~~  
14 ~~period for counting provisional ballots, the last day of which~~  
15 ~~is the 14th day following election day~~

16 ~~or, if returned by mail, postmarked no later than midnight~~  
17 ~~preceding election day, for counting no later than during the~~  
18 ~~period for counting provisional ballots, the last day of which~~  
19 ~~is the 14th day following election day~~

20 ~~or, if returned by mail, postmarked no later than midnight~~  
21 ~~preceding election day, for counting no later than during the~~  
22 ~~period for counting provisional ballots, the last day of which~~  
23 ~~is the 14th day following election day~~

24 (Source: P.A. 95-440, eff. 8-27-07; 96-312, eff. 1-1-10;  
25 96-553, eff. 8-17-09; revised 9-15-09.)

1 (10 ILCS 5/20-2.3) (from Ch. 46, par. 20-2.3)

2 Sec. 20-2.3. Members of the Armed Forces and their spouses  
3 and dependents. Any member of the United States Armed Forces  
4 while on active duty, and his or her spouse and dependents,  
5 otherwise qualified to vote, who expects in the course of his  
6 or her duties to be absent from the county in which he or she  
7 resides on the day of holding any election, in addition to any  
8 other method of making application for an absentee ballot under  
9 this Article, may make application for an absentee ballot to  
10 the election authority having jurisdiction over his or her  
11 precinct of residence by a facsimile machine or electronic  
12 transmission not less than 10 days before the election.

13 Ballots under this Section shall be mailed by the election  
14 authority in the manner prescribed by Section 20-5 of this  
15 Article and not otherwise. Ballots voted under this Section  
16 must be returned postmarked no later than midnight preceding  
17 election day and received for counting at the central ballot  
18 counting location of the election authority during the period  
19 for counting provisional ballots, the last day of which is the  
20 14th day following election day.

21 (Source: P.A. 96-312, eff. 1-1-10; 96-512, eff. 1-1-10; revised  
22 10-6-09.)

23 Section 40. The State Budget Law of the Civil  
24 Administrative Code of Illinois is amended by changing Section  
25 50-5 as follows:

1 (15 ILCS 20/50-5)

2 Sec. 50-5. Governor to submit State budget. The Governor  
3 shall, as soon as possible and not later than the third  
4 Wednesday in March in 2009 (March 18, 2009) and the third  
5 Wednesday in February of each year beginning in 2010, except as  
6 otherwise provided in this Section, submit a State budget,  
7 embracing therein the amounts recommended by the Governor to be  
8 appropriated to the respective departments, offices, and  
9 institutions, and for all other public purposes, the estimated  
10 revenues from taxation, the estimated revenues from sources  
11 other than taxation, and an estimate of the amount required to  
12 be raised by taxation. The amounts recommended by the Governor  
13 for appropriation to the respective departments, offices and  
14 institutions shall be formulated according to the various  
15 functions and activities for which the respective department,  
16 office or institution of the State government (including the  
17 elective officers in the executive department and including the  
18 University of Illinois and the judicial department) is  
19 responsible. The amounts relating to particular functions and  
20 activities shall be further formulated in accordance with the  
21 object classification specified in Section 13 of the State  
22 Finance Act.

23 The Governor shall not propose expenditures and the General  
24 Assembly shall not enact appropriations that exceed the  
25 resources estimated to be available, as provided in this

1 Section.

2 For the purposes of Article VIII, Section 2 of the 1970  
3 Illinois Constitution, the State budget for the following funds  
4 shall be prepared on the basis of revenue and expenditure  
5 measurement concepts that are in concert with generally  
6 accepted accounting principles for governments:

7 (1) General Revenue Fund.

8 (2) Common School Fund.

9 (3) Educational Assistance Fund.

10 (4) Road Fund.

11 (5) Motor Fuel Tax Fund.

12 (6) Agricultural Premium Fund.

13 These funds shall be known as the "budgeted funds". The  
14 revenue estimates used in the State budget for the budgeted  
15 funds shall include the estimated beginning fund balance, plus  
16 revenues estimated to be received during the budgeted year,  
17 plus the estimated receipts due the State as of June 30 of the  
18 budgeted year that are expected to be collected during the  
19 lapse period following the budgeted year, minus the receipts  
20 collected during the first 2 months of the budgeted year that  
21 became due to the State in the year before the budgeted year.  
22 Revenues shall also include estimated federal reimbursements  
23 associated with the recognition of Section 25 of the State  
24 Finance Act liabilities. For any budgeted fund for which  
25 current year revenues are anticipated to exceed expenditures,  
26 the surplus shall be considered to be a resource available for

1 expenditure in the budgeted fiscal year.

2 Expenditure estimates for the budgeted funds included in  
3 the State budget shall include the costs to be incurred by the  
4 State for the budgeted year, to be paid in the next fiscal  
5 year, excluding costs paid in the budgeted year which were  
6 carried over from the prior year, where the payment is  
7 authorized by Section 25 of the State Finance Act. For any  
8 budgeted fund for which expenditures are expected to exceed  
9 revenues in the current fiscal year, the deficit shall be  
10 considered as a use of funds in the budgeted fiscal year.

11 Revenues and expenditures shall also include transfers  
12 between funds that are based on revenues received or costs  
13 incurred during the budget year.

14 Appropriations for expenditures shall also include all  
15 anticipated statutory continuing appropriation obligations  
16 that are expected to be incurred during the budgeted fiscal  
17 year.

18 By March 15 of each year, the Commission on Government  
19 Forecasting and Accountability shall prepare revenue and fund  
20 transfer estimates in accordance with the requirements of this  
21 Section and report those estimates to the General Assembly and  
22 the Governor.

23 For all funds other than the budgeted funds, the proposed  
24 expenditures shall not exceed funds estimated to be available  
25 for the fiscal year as shown in the budget. Appropriation for a  
26 fiscal year shall not exceed funds estimated by the General

1 Assembly to be available during that year.

2 (Source: P.A. 96-1, eff. 2-17-09; 96-320, eff. 1-1-10; revised  
3 9-4-09.)

4 Section 45. The Attorney General Act is amended by changing  
5 Section 7 as follows:

6 (15 ILCS 205/7)

7 Sec. 7. Public Access Counselor.

8 (a) The General Assembly finds that members of the public  
9 have encountered obstacles in obtaining copies of public  
10 records from units of government, and that many of those  
11 obstacles result from difficulties that both members of the  
12 public and public bodies have had in interpreting and applying  
13 the Freedom of Information Act. The General Assembly further  
14 finds that members of the public have encountered difficulties  
15 in resolving alleged violations of the Open Meetings Act. The  
16 public's significant interest in access to public records and  
17 in open meetings would be better served if there were a central  
18 office available to provide advice and education with respect  
19 to the interpretation and implementation of the Freedom of  
20 Information Act and the Open Meetings Act.

21 (b) Therefore, there is created in the Office of the  
22 Attorney General the Office of Public Access Counselor. The  
23 Attorney General shall appoint a Public Access Counselor, who  
24 shall be an attorney licensed to practice in Illinois. The

1 Public Access Counselor's Office shall be comprised of the  
2 Public Access Counselor and such assistant attorneys general  
3 and other staff as are deemed necessary by the Attorney  
4 General.

5 (c) Through the Public Access Counselor, the Attorney  
6 General shall have the power:

7 (1) to establish and administer a program to provide  
8 free training for public officials and to educate the  
9 public on the rights of the public and the responsibilities  
10 of public bodies under the Freedom of Information Act and  
11 the Open Meetings Act;

12 (2) to prepare and distribute interpretive or  
13 educational materials and programs;

14 (3) to resolve disputes involving a potential  
15 violation of the Open Meetings Act or the Freedom of  
16 Information Act in response to a request for review  
17 initiated by an aggrieved party, as provided in those Acts,  
18 by mediating or otherwise informally resolving the dispute  
19 or by issuing a binding opinion; except that the Attorney  
20 General may not issue an opinion concerning a specific  
21 matter with respect to which a lawsuit has been filed under  
22 Section 3 of the Open Meetings Act or Section 11 of the  
23 Freedom of Information Act;

24 (4) to issue advisory opinions with respect to the Open  
25 Meetings Act and the Freedom of Information Act either in  
26 response to a request for review or otherwise;

1           (5) to respond to informal inquiries made by the public  
2           and public bodies;

3           (6) to conduct research on compliance issues;

4           (7) to make recommendations to the General Assembly  
5           concerning ways to improve access to public records and  
6           public access to the processes of government;

7           (8) to develop and make available on the Attorney  
8           General's website or by other means an electronic training  
9           curriculum for Freedom of Information officers;

10          (9) to develop and make available on the Attorney  
11          General's website or by other means an electronic Open  
12          Meetings Act training curriculum for employees, officers,  
13          and members designated by public bodies;

14          (10) to prepare and distribute to public bodies model  
15          policies for compliance with the Freedom of Information  
16          Act; and

17          (11) to promulgate rules to implement these powers.

18          (d) To accomplish the objectives and to carry out the  
19          duties prescribed by this Section, the Public Access Counselor,  
20          in addition to other powers conferred upon him or her by this  
21          Section, may request that subpoenas be issued by the Attorney  
22          General in accordance with the provisions of Section 9.5 of the  
23          Freedom of Information Act and Section 3.5 of the Open Meetings  
24          Act. Service by the Attorney General of any subpoena upon any  
25          person shall be made:

26                 (1) ~~(i)~~ personally by delivery of a duly executed copy

1           thereof to the person to be served, or in the case of a  
2           public body, in the manner provided in Section 2-211 of the  
3           Code of Civil Procedure ~~Civil Practice Law~~; or

4           (2) ~~(ii)~~ by mailing by certified mail a duly executed  
5           copy thereof to the person to be served at his or her last  
6           known abode or, in the case of a public body, to its  
7           principal place of business.

8           (e) If any person or public body fails or refuses to obey  
9           any subpoena issued pursuant to this Section, the Attorney  
10          General may file a complaint in the circuit court to:

11           (1) ~~(i)~~ obtain compliance with the subpoena;

12           (2) ~~(ii)~~ obtain injunctive relief to prevent a  
13          violation of the Open Meetings Act or Freedom of  
14          Information Act; and

15           (3) ~~(iii)~~ obtain such other relief as may be required.

16          (f) The Attorney General has the authority to file an  
17          action in the circuit court of Cook or Sangamon County for  
18          injunctive or other relief to compel compliance with a binding  
19          opinion issued pursuant to Section 3.5 of the Open Meetings Act  
20          or Section 9.5 of the Freedom of Information Act, to prevent a  
21          violation of the Open Meetings Act or the Freedom of  
22          Information Act, and for such other relief as may be required.

23          (g) The Attorney General shall post his or her binding  
24          opinions issued pursuant to Section 3.5 of the Open Meetings  
25          Act or Section 9.5 of the Freedom of Information Act and any  
26          rules on the official website of the Office of the Attorney

1 General, with links to those opinions from the official home  
2 page, and shall make them available for immediate inspection in  
3 his or her office.

4 (Source: P.A. 96-542, eff. 1-1-10; revised 10-30-09.)

5 Section 50. The Illinois Identification Card Act is amended  
6 by setting forth and renumbering multiple versions of Section  
7 4C as follows:

8 (15 ILCS 335/4C)

9 (This Section may contain text from a Public Act with a  
10 delayed effective date)

11 Sec. 4C. Homeless person status. For the purposes of this  
12 Act, an individual's status as a "homeless person" may be  
13 verified by a human services, legal services, or other worker  
14 that has knowledge of the individual's housing status,  
15 including, but not limited to:

16 (1) a homeless service agency receiving federal,  
17 State, county, or municipal funding to provide those  
18 services or otherwise sanctioned by local continuum of  
19 care;

20 (2) an attorney licensed to practice in the State of  
21 Illinois;

22 (3) a public school homeless liaison or school social  
23 worker; or

24 (4) a human services provider funded by the State of

1 Illinois to serve homeless or runaway youth, individuals  
2 with mental illness, or individuals with addictions.

3 Individuals who are homeless must not be charged for this  
4 verification. The Secretary of State by rule shall establish  
5 standards and procedures consistent with this Section for  
6 waiver of the Illinois Identification Care fee based on  
7 homelessness, which shall include the name and address of the  
8 individual and the agency providing verification of  
9 homelessness. Any falsification of this official record is  
10 subject to penalty.

11 (Source: P.A. 96-183, eff. 7-1-10.)

12 (15 ILCS 335/4D)

13 Sec. 4D ~~4C~~. Issuance of confidential identification cards.

14 (a) Requirements for use of confidential identification  
15 cards. Confidential identification cards may be issued to  
16 local, state, and federal government agencies for bona fide law  
17 enforcement purposes. The identification cards may be issued in  
18 fictitious names and addresses, and may be used only in  
19 confidential, investigative, or undercover law enforcement  
20 operations.

21 (b) Application procedures for confidential identification  
22 cards:

23 (1) Applications by local, state, and federal  
24 government agencies for confidential identification cards  
25 must be made to the Secretary of State Police Department on

1 a form and in a manner prescribed by the Secretary of State  
2 Police Department.

3 (2) The application form must include information, as  
4 specific as possible without compromising investigations  
5 or techniques, setting forth the need for the  
6 identification cards and the uses to which the  
7 identification cards will be limited.

8 (3) The application form must be signed and verified by  
9 the local, state, or federal government agency head or  
10 designee.

11 (4) Information maintained by the Secretary of State  
12 Police Department for confidential identification cards  
13 must show the fictitious names and addresses on all records  
14 subject to public disclosure. All other information  
15 concerning these confidential identification cards are  
16 exempt from disclosure unless the disclosure is ordered by  
17 a court of competent jurisdiction.

18 (c) Cancellation procedures for confidential  
19 identification cards:

20 (1) The Secretary of State Police Department may cancel  
21 or refuse to renew confidential identification cards when  
22 they have reasonable cause to believe the cards are being  
23 used for purposes other than those set forth in the  
24 application form or authorized by this Section.

25 (2) A government agency must request cancellation of  
26 confidential identification cards that are no longer

1 required for the purposes for which they were issued.

2 (3) Upon the request of the Secretary of State Police  
3 Department, all cancelled confidential identification  
4 cards must be promptly returned to the Secretary of State  
5 Police Department by the government agency to which they  
6 were issued.

7 (Source: P.A. 96-549, eff. 8-17-09; revised 9-15-09.)

8 Section 55. The Civil Administrative Code of Illinois is  
9 amended by changing Section 5-565 as follows:

10 (20 ILCS 5/5-565) (was 20 ILCS 5/6.06)

11 Sec. 5-565. In the Department of Public Health.

12 (a) The General Assembly declares it to be the public  
13 policy of this State that all citizens of Illinois are entitled  
14 to lead healthy lives. Governmental public health has a  
15 specific responsibility to ensure that a system is in place to  
16 allow the public health mission to be achieved. To develop a  
17 system requires certain core functions to be performed by  
18 government. The State Board of Health is to assume the  
19 leadership role in advising the Director in meeting the  
20 following functions:

21 (1) Needs assessment.

22 (2) Statewide health objectives.

23 (3) Policy development.

24 (4) Assurance of access to necessary services.

1           There shall be a State Board of Health composed of 19  
2 persons, all of whom shall be appointed by the Governor, with  
3 the advice and consent of the Senate for those appointed by the  
4 Governor on and after June 30, 1998, and one of whom shall be a  
5 senior citizen age 60 or over. Five members shall be physicians  
6 licensed to practice medicine in all its branches, one  
7 representing a medical school faculty, one who is board  
8 certified in preventive medicine, and one who is engaged in  
9 private practice. One member shall be a chiropractic physician.  
10 One member shall be a dentist; one an environmental health  
11 practitioner; one a local public health administrator; one a  
12 local board of health member; one a registered nurse; one a  
13 physical therapist; one a veterinarian; one a public health  
14 academician; one a health care industry representative; one a  
15 representative of the business community; one a representative  
16 of the non-profit public interest community; and 2 shall be  
17 citizens at large.

18           The terms of Board of Health members shall be 3 years,  
19 except that members shall continue to serve on the Board of  
20 Health until a replacement is appointed. Upon the effective  
21 date of this amendatory Act of the 93rd General Assembly, in  
22 the appointment of the Board of Health members appointed to  
23 vacancies or positions with terms expiring on or before  
24 December 31, 2004, the Governor shall appoint up to 6 members  
25 to serve for terms of 3 years; up to 6 members to serve for  
26 terms of 2 years; and up to 5 members to serve for a term of one

1 year, so that the term of no more than 6 members expire in the  
2 same year. All members shall be legal residents of the State of  
3 Illinois. The duties of the Board shall include, but not be  
4 limited to, the following:

5 (1) To advise the Department of ways to encourage  
6 public understanding and support of the Department's  
7 programs.

8 (2) To evaluate all boards, councils, committees,  
9 authorities, and bodies advisory to, or an adjunct of, the  
10 Department of Public Health or its Director for the purpose  
11 of recommending to the Director one or more of the  
12 following:

13 (i) The elimination of bodies whose activities are  
14 not consistent with goals and objectives of the  
15 Department.

16 (ii) The consolidation of bodies whose activities  
17 encompass compatible programmatic subjects.

18 (iii) The restructuring of the relationship  
19 between the various bodies and their integration  
20 within the organizational structure of the Department.

21 (iv) The establishment of new bodies deemed  
22 essential to the functioning of the Department.

23 (3) To serve as an advisory group to the Director for  
24 public health emergencies and control of health hazards.

25 (4) To advise the Director regarding public health  
26 policy, and to make health policy recommendations

1 regarding priorities to the Governor through the Director.

2 (5) To present public health issues to the Director and  
3 to make recommendations for the resolution of those issues.

4 (6) To recommend studies to delineate public health  
5 problems.

6 (7) To make recommendations to the Governor through the  
7 Director regarding the coordination of State public health  
8 activities with other State and local public health  
9 agencies and organizations.

10 (8) To report on or before February 1 of each year on  
11 the health of the residents of Illinois to the Governor,  
12 the General Assembly, and the public.

13 (9) To review the final draft of all proposed  
14 administrative rules, other than emergency or preemptory  
15 rules and those rules that another advisory body must  
16 approve or review within a statutorily defined time period,  
17 of the Department after September 19, 1991 (the effective  
18 date of Public Act 87-633). The Board shall review the  
19 proposed rules within 90 days of submission by the  
20 Department. The Department shall take into consideration  
21 any comments and recommendations of the Board regarding the  
22 proposed rules prior to submission to the Secretary of  
23 State for initial publication. If the Department disagrees  
24 with the recommendations of the Board, it shall submit a  
25 written response outlining the reasons for not accepting  
26 the recommendations.

1           In the case of proposed administrative rules or  
2           amendments to administrative rules regarding immunization  
3           of children against preventable communicable diseases  
4           designated by the Director under the Communicable Disease  
5           Prevention Act, after the Immunization Advisory Committee  
6           has made its recommendations, the Board shall conduct 3  
7           public hearings, geographically distributed throughout the  
8           State. At the conclusion of the hearings, the State Board  
9           of Health shall issue a report, including its  
10          recommendations, to the Director. The Director shall take  
11          into consideration any comments or recommendations made by  
12          the Board based on these hearings.

13           (10) To deliver to the Governor for presentation to the  
14          General Assembly a State Health Improvement Plan. The first  
15          and second such plans shall be delivered to the Governor on  
16          January 1, 2006 and on January 1, 2009 respectively, and  
17          then every 4 years thereafter.

18           The Plan shall recommend priorities and strategies to  
19          improve the public health system and the health status of  
20          Illinois residents, taking into consideration national  
21          health objectives and system standards as frameworks for  
22          assessment.

23           The Plan shall also take into consideration priorities  
24          and strategies developed at the community level through the  
25          Illinois Project for Local Assessment of Needs (IPLAN) and  
26          any regional health improvement plans that may be

1 developed. The Plan shall focus on prevention as a key  
2 strategy for long-term health improvement in Illinois.

3 The Plan shall examine and make recommendations on the  
4 contributions and strategies of the public and private  
5 sectors for improving health status and the public health  
6 system in the State. In addition to recommendations on  
7 health status improvement priorities and strategies for  
8 the population of the State as a whole, the Plan shall make  
9 recommendations regarding priorities and strategies for  
10 reducing and eliminating health disparities in Illinois;  
11 including racial, ethnic, gender, age, socio-economic and  
12 geographic disparities.

13 The Director of the Illinois Department of Public  
14 Health shall appoint a Planning Team that includes a range  
15 of public, private, and voluntary sector stakeholders and  
16 participants in the public health system. This Team shall  
17 include: the directors of State agencies with public health  
18 responsibilities (or their designees), including but not  
19 limited to the Illinois Departments of Public Health and  
20 Department of Human Services, representatives of local  
21 health departments, representatives of local community  
22 health partnerships, and individuals with expertise who  
23 represent an array of organizations and constituencies  
24 engaged in public health improvement and prevention.

25 The State Board of Health shall hold at least 3 public  
26 hearings addressing drafts of the Plan in representative

1 geographic areas of the State. Members of the Planning Team  
2 shall receive no compensation for their services, but may  
3 be reimbursed for their necessary expenses.

4 (11) Upon the request of the Governor, to recommend to  
5 the Governor candidates for Director of Public Health when  
6 vacancies occur in the position.

7 (12) To adopt bylaws for the conduct of its own  
8 business, including the authority to establish ad hoc  
9 committees to address specific public health programs  
10 requiring resolution.

11 (13) To review and comment upon the Comprehensive  
12 Health Plan submitted by the Center for Comprehensive  
13 Health Planning as provided under Section 2310-217 of the  
14 Department of Public Health Powers and Duties Law of the  
15 Civil Administrative Code of Illinois.

16 Upon appointment, the Board shall elect a chairperson from  
17 among its members.

18 Members of the Board shall receive compensation for their  
19 services at the rate of \$150 per day, not to exceed \$10,000 per  
20 year, as designated by the Director for each day required for  
21 transacting the business of the Board and shall be reimbursed  
22 for necessary expenses incurred in the performance of their  
23 duties. The Board shall meet from time to time at the call of  
24 the Department, at the call of the chairperson, or upon the  
25 request of 3 of its members, but shall not meet less than 4  
26 times per year.

1 (b) (Blank).

2 (c) An Advisory Board on Necropsy Service to Coroners,  
3 which shall counsel and advise with the Director on the  
4 administration of the Autopsy Act. The Advisory Board shall  
5 consist of 11 members, including a senior citizen age 60 or  
6 over, appointed by the Governor, one of whom shall be  
7 designated as chairman by a majority of the members of the  
8 Board. In the appointment of the first Board the Governor shall  
9 appoint 3 members to serve for terms of 1 year, 3 for terms of 2  
10 years, and 3 for terms of 3 years. The members first appointed  
11 under Public Act 83-1538 shall serve for a term of 3 years. All  
12 members appointed thereafter shall be appointed for terms of 3  
13 years, except that when an appointment is made to fill a  
14 vacancy, the appointment shall be for the remaining term of the  
15 position vacant. The members of the Board shall be citizens of  
16 the State of Illinois. In the appointment of members of the  
17 Advisory Board the Governor shall appoint 3 members who shall  
18 be persons licensed to practice medicine and surgery in the  
19 State of Illinois, at least 2 of whom shall have received  
20 post-graduate training in the field of pathology; 3 members who  
21 are duly elected coroners in this State; and 5 members who  
22 shall have interest and abilities in the field of forensic  
23 medicine but who shall be neither persons licensed to practice  
24 any branch of medicine in this State nor coroners. In the  
25 appointment of medical and coroner members of the Board, the  
26 Governor shall invite nominations from recognized medical and

1 coroners organizations in this State respectively. Board  
2 members, while serving on business of the Board, shall receive  
3 actual necessary travel and subsistence expenses while so  
4 serving away from their places of residence.

5 (Source: P.A. 96-31, eff. 6-30-09; 96-455, eff. 8-14-09;  
6 revised 9-4-09.)

7 Section 60. The Children and Family Services Act is amended  
8 by changing Sections 5 and 34.11 as follows:

9 (20 ILCS 505/5) (from Ch. 23, par. 5005)

10 Sec. 5. Direct child welfare services; Department of  
11 Children and Family Services. To provide direct child welfare  
12 services when not available through other public or private  
13 child care or program facilities.

14 (a) For purposes of this Section:

15 (1) "Children" means persons found within the State who  
16 are under the age of 18 years. The term also includes  
17 persons under age 21 who:

18 (A) were committed to the Department pursuant to  
19 the Juvenile Court Act or the Juvenile Court Act of  
20 1987, as amended, prior to the age of 18 and who  
21 continue under the jurisdiction of the court; or

22 (B) were accepted for care, service and training by  
23 the Department prior to the age of 18 and whose best  
24 interest in the discretion of the Department would be

1           served by continuing that care, service and training  
2           because of severe emotional disturbances, physical  
3           disability, social adjustment or any combination  
4           thereof, or because of the need to complete an  
5           educational or vocational training program.

6           (2) "Homeless youth" means persons found within the  
7           State who are under the age of 19, are not in a safe and  
8           stable living situation and cannot be reunited with their  
9           families.

10          (3) "Child welfare services" means public social  
11          services which are directed toward the accomplishment of  
12          the following purposes:

13                 (A) protecting and promoting the health, safety  
14                 and welfare of children, including homeless, dependent  
15                 or neglected children;

16                 (B) remedying, or assisting in the solution of  
17                 problems which may result in, the neglect, abuse,  
18                 exploitation or delinquency of children;

19                 (C) preventing the unnecessary separation of  
20                 children from their families by identifying family  
21                 problems, assisting families in resolving their  
22                 problems, and preventing the breakup of the family  
23                 where the prevention of child removal is desirable and  
24                 possible when the child can be cared for at home  
25                 without endangering the child's health and safety;

26                 (D) restoring to their families children who have

1           been removed, by the provision of services to the child  
2           and the families when the child can be cared for at  
3           home without endangering the child's health and  
4           safety;

5           (E) placing children in suitable adoptive homes,  
6           in cases where restoration to the biological family is  
7           not safe, possible or appropriate;

8           (F) assuring safe and adequate care of children  
9           away from their homes, in cases where the child cannot  
10          be returned home or cannot be placed for adoption. At  
11          the time of placement, the Department shall consider  
12          concurrent planning, as described in subsection (1-1)  
13          of this Section so that permanency may occur at the  
14          earliest opportunity. Consideration should be given so  
15          that if reunification fails or is delayed, the  
16          placement made is the best available placement to  
17          provide permanency for the child;

18          (G) (blank);

19          (H) (blank); and

20          (I) placing and maintaining children in facilities  
21          that provide separate living quarters for children  
22          under the age of 18 and for children 18 years of age  
23          and older, unless a child 18 years of age is in the  
24          last year of high school education or vocational  
25          training, in an approved individual or group treatment  
26          program, in a licensed shelter facility, or secure

1 child care facility. The Department is not required to  
2 place or maintain children:

3 (i) who are in a foster home, or

4 (ii) who are persons with a developmental  
5 disability, as defined in the Mental Health and  
6 Developmental Disabilities Code, or

7 (iii) who are female children who are  
8 pregnant, pregnant and parenting or parenting, or

9 (iv) who are siblings, in facilities that  
10 provide separate living quarters for children 18  
11 years of age and older and for children under 18  
12 years of age.

13 (b) Nothing in this Section shall be construed to authorize  
14 the expenditure of public funds for the purpose of performing  
15 abortions.

16 (c) The Department shall establish and maintain  
17 tax-supported child welfare services and extend and seek to  
18 improve voluntary services throughout the State, to the end  
19 that services and care shall be available on an equal basis  
20 throughout the State to children requiring such services.

21 (d) The Director may authorize advance disbursements for  
22 any new program initiative to any agency contracting with the  
23 Department. As a prerequisite for an advance disbursement, the  
24 contractor must post a surety bond in the amount of the advance  
25 disbursement and have a purchase of service contract approved  
26 by the Department. The Department may pay up to 2 months

1 operational expenses in advance. The amount of the advance  
2 disbursement shall be prorated over the life of the contract or  
3 the remaining months of the fiscal year, whichever is less, and  
4 the installment amount shall then be deducted from future  
5 bills. Advance disbursement authorizations for new initiatives  
6 shall not be made to any agency after that agency has operated  
7 during 2 consecutive fiscal years. The requirements of this  
8 Section concerning advance disbursements shall not apply with  
9 respect to the following: payments to local public agencies for  
10 child day care services as authorized by Section 5a of this  
11 Act; and youth service programs receiving grant funds under  
12 Section 17a-4.

13 (e) (Blank).

14 (f) (Blank).

15 (g) The Department shall establish rules and regulations  
16 concerning its operation of programs designed to meet the goals  
17 of child safety and protection, family preservation, family  
18 reunification, and adoption, including but not limited to:

19 (1) adoption;

20 (2) foster care;

21 (3) family counseling;

22 (4) protective services;

23 (5) (blank);

24 (6) homemaker service;

25 (7) return of runaway children;

26 (8) (blank);

1           (9) placement under Section 5-7 of the Juvenile Court  
2           Act or Section 2-27, 3-28, 4-25 or 5-740 of the Juvenile  
3           Court Act of 1987 in accordance with the federal Adoption  
4           Assistance and Child Welfare Act of 1980; and

5           (10) interstate services.

6           Rules and regulations established by the Department shall  
7           include provisions for training Department staff and the staff  
8           of Department grantees, through contracts with other agencies  
9           or resources, in alcohol and drug abuse screening techniques  
10          approved by the Department of Human Services, as a successor to  
11          the Department of Alcoholism and Substance Abuse, for the  
12          purpose of identifying children and adults who should be  
13          referred to an alcohol and drug abuse treatment program for  
14          professional evaluation.

15          (h) If the Department finds that there is no appropriate  
16          program or facility within or available to the Department for a  
17          ward and that no licensed private facility has an adequate and  
18          appropriate program or none agrees to accept the ward, the  
19          Department shall create an appropriate individualized,  
20          program-oriented plan for such ward. The plan may be developed  
21          within the Department or through purchase of services by the  
22          Department to the extent that it is within its statutory  
23          authority to do.

24          (i) Service programs shall be available throughout the  
25          State and shall include but not be limited to the following  
26          services:

- 1 (1) case management;
- 2 (2) homemakers;
- 3 (3) counseling;
- 4 (4) parent education;
- 5 (5) day care; and
- 6 (6) emergency assistance and advocacy.

7 In addition, the following services may be made available  
8 to assess and meet the needs of children and families:

- 9 (1) comprehensive family-based services;
- 10 (2) assessments;
- 11 (3) respite care; and
- 12 (4) in-home health services.

13 The Department shall provide transportation for any of the  
14 services it makes available to children or families or for  
15 which it refers children or families.

16 (j) The Department may provide categories of financial  
17 assistance and education assistance grants, and shall  
18 establish rules and regulations concerning the assistance and  
19 grants, to persons who adopt physically or mentally  
20 handicapped, older and other hard-to-place children who (i)  
21 immediately prior to their adoption were legal wards of the  
22 Department or (ii) were determined eligible for financial  
23 assistance with respect to a prior adoption and who become  
24 available for adoption because the prior adoption has been  
25 dissolved and the parental rights of the adoptive parents have  
26 been terminated or because the child's adoptive parents have

1 died. The Department may continue to provide financial  
2 assistance and education assistance grants for a child who was  
3 determined eligible for financial assistance under this  
4 subsection (j) in the interim period beginning when the child's  
5 adoptive parents died and ending with the finalization of the  
6 new adoption of the child by another adoptive parent or  
7 parents. The Department may also provide categories of  
8 financial assistance and education assistance grants, and  
9 shall establish rules and regulations for the assistance and  
10 grants, to persons appointed guardian of the person under  
11 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,  
12 4-25 or 5-740 of the Juvenile Court Act of 1987 for children  
13 who were wards of the Department for 12 months immediately  
14 prior to the appointment of the guardian.

15 The amount of assistance may vary, depending upon the needs  
16 of the child and the adoptive parents, as set forth in the  
17 annual assistance agreement. Special purpose grants are  
18 allowed where the child requires special service but such costs  
19 may not exceed the amounts which similar services would cost  
20 the Department if it were to provide or secure them as guardian  
21 of the child.

22 Any financial assistance provided under this subsection is  
23 inalienable by assignment, sale, execution, attachment,  
24 garnishment, or any other remedy for recovery or collection of  
25 a judgment or debt.

26 (j-5) The Department shall not deny or delay the placement

1 of a child for adoption if an approved family is available  
2 either outside of the Department region handling the case, or  
3 outside of the State of Illinois.

4 (k) The Department shall accept for care and training any  
5 child who has been adjudicated neglected or abused, or  
6 dependent committed to it pursuant to the Juvenile Court Act or  
7 the Juvenile Court Act of 1987.

8 (l) The Department shall offer family preservation  
9 services, as defined in Section 8.2 of the Abused and Neglected  
10 Child Reporting Act, to help families, including adoptive and  
11 extended families. Family preservation services shall be  
12 offered (i) to prevent the placement of children in substitute  
13 care when the children can be cared for at home or in the  
14 custody of the person responsible for the children's welfare,  
15 (ii) to reunite children with their families, or (iii) to  
16 maintain an adoptive placement. Family preservation services  
17 shall only be offered when doing so will not endanger the  
18 children's health or safety. With respect to children who are  
19 in substitute care pursuant to the Juvenile Court Act of 1987,  
20 family preservation services shall not be offered if a goal  
21 other than those of subdivisions (A), (B), or (B-1) of  
22 subsection (2) of Section 2-28 of that Act has been set.  
23 Nothing in this paragraph shall be construed to create a  
24 private right of action or claim on the part of any individual  
25 or child welfare agency, except that when a child is the  
26 subject of an action under Article II of the Juvenile Court Act

1 of 1987 and the child's service plan calls for services to  
2 facilitate achievement of the permanency goal, the court  
3 hearing the action under Article II of the Juvenile Court Act  
4 of 1987 may order the Department to provide the services set  
5 out in the plan, if those services are not provided with  
6 reasonable promptness and if those services are available.

7 The Department shall notify the child and his family of the  
8 Department's responsibility to offer and provide family  
9 preservation services as identified in the service plan. The  
10 child and his family shall be eligible for services as soon as  
11 the report is determined to be "indicated". The Department may  
12 offer services to any child or family with respect to whom a  
13 report of suspected child abuse or neglect has been filed,  
14 prior to concluding its investigation under Section 7.12 of the  
15 Abused and Neglected Child Reporting Act. However, the child's  
16 or family's willingness to accept services shall not be  
17 considered in the investigation. The Department may also  
18 provide services to any child or family who is the subject of  
19 any report of suspected child abuse or neglect or may refer  
20 such child or family to services available from other agencies  
21 in the community, even if the report is determined to be  
22 unfounded, if the conditions in the child's or family's home  
23 are reasonably likely to subject the child or family to future  
24 reports of suspected child abuse or neglect. Acceptance of such  
25 services shall be voluntary. The Department may also provide  
26 services to any child or family after completion of a family

1 assessment, as an alternative to an investigation, as provided  
2 under the "differential response program" provided for in  
3 subsection (a-5) of Section 7.4 of the Abused and Neglected  
4 Child Reporting Act.

5 The Department may, at its discretion except for those  
6 children also adjudicated neglected or dependent, accept for  
7 care and training any child who has been adjudicated addicted,  
8 as a truant minor in need of supervision or as a minor  
9 requiring authoritative intervention, under the Juvenile Court  
10 Act or the Juvenile Court Act of 1987, but no such child shall  
11 be committed to the Department by any court without the  
12 approval of the Department. A minor charged with a criminal  
13 offense under the Criminal Code of 1961 or adjudicated  
14 delinquent shall not be placed in the custody of or committed  
15 to the Department by any court, except (i) a minor less than 15  
16 years of age committed to the Department under Section 5-710 of  
17 the Juvenile Court Act of 1987, (ii) a minor for whom an  
18 independent basis of abuse, neglect, or dependency exists,  
19 which must be defined by departmental rule, or (iii) a minor  
20 for whom the court has granted a supplemental petition to  
21 reinstate wardship pursuant to subsection (2) of Section 2-33  
22 of the Juvenile Court Act of 1987. An independent basis exists  
23 when the allegations or adjudication of abuse, neglect, or  
24 dependency do not arise from the same facts, incident, or  
25 circumstances which give rise to a charge or adjudication of  
26 delinquency.

1           As soon as is possible after August 7, 2009 (the effective  
2           date of Public Act 96-134) ~~this amendatory Act of the 96th~~  
3           ~~General Assembly~~, the Department shall develop and implement a  
4           special program of family preservation services to support  
5           intact, foster, and adoptive families who are experiencing  
6           extreme hardships due to the difficulty and stress of caring  
7           for a child who has been diagnosed with a pervasive  
8           developmental disorder if the Department determines that those  
9           services are necessary to ensure the health and safety of the  
10          child. The Department may offer services to any family whether  
11          or not a report has been filed under the Abused and Neglected  
12          Child Reporting Act. The Department may refer the child or  
13          family to services available from other agencies in the  
14          community if the conditions in the child's or family's home are  
15          reasonably likely to subject the child or family to future  
16          reports of suspected child abuse or neglect. Acceptance of  
17          these services shall be voluntary. The Department shall develop  
18          and implement a public information campaign to alert health and  
19          social service providers and the general public about these  
20          special family preservation services. The nature and scope of  
21          the services offered and the number of families served under  
22          the special program implemented under this paragraph shall be  
23          determined by the level of funding that the Department annually  
24          allocates for this purpose. The term "pervasive developmental  
25          disorder" under this paragraph means a neurological condition,  
26          including but not limited to, Asperger's Syndrome and autism,

1 as defined in the most recent edition of the Diagnostic and  
2 Statistical Manual of Mental Disorders of the American  
3 Psychiatric Association.

4 (1-1) The legislature recognizes that the best interests of  
5 the child require that the child be placed in the most  
6 permanent living arrangement as soon as is practically  
7 possible. To achieve this goal, the legislature directs the  
8 Department of Children and Family Services to conduct  
9 concurrent planning so that permanency may occur at the  
10 earliest opportunity. Permanent living arrangements may  
11 include prevention of placement of a child outside the home of  
12 the family when the child can be cared for at home without  
13 endangering the child's health or safety; reunification with  
14 the family, when safe and appropriate, if temporary placement  
15 is necessary; or movement of the child toward the most  
16 permanent living arrangement and permanent legal status.

17 When determining reasonable efforts to be made with respect  
18 to a child, as described in this subsection, and in making such  
19 reasonable efforts, the child's health and safety shall be the  
20 paramount concern.

21 When a child is placed in foster care, the Department shall  
22 ensure and document that reasonable efforts were made to  
23 prevent or eliminate the need to remove the child from the  
24 child's home. The Department must make reasonable efforts to  
25 reunify the family when temporary placement of the child occurs  
26 unless otherwise required, pursuant to the Juvenile Court Act

1 of 1987. At any time after the dispositional hearing where the  
2 Department believes that further reunification services would  
3 be ineffective, it may request a finding from the court that  
4 reasonable efforts are no longer appropriate. The Department is  
5 not required to provide further reunification services after  
6 such a finding.

7 A decision to place a child in substitute care shall be  
8 made with considerations of the child's health, safety, and  
9 best interests. At the time of placement, consideration should  
10 also be given so that if reunification fails or is delayed, the  
11 placement made is the best available placement to provide  
12 permanency for the child.

13 The Department shall adopt rules addressing concurrent  
14 planning for reunification and permanency. The Department  
15 shall consider the following factors when determining  
16 appropriateness of concurrent planning:

- 17 (1) the likelihood of prompt reunification;
- 18 (2) the past history of the family;
- 19 (3) the barriers to reunification being addressed by  
20 the family;
- 21 (4) the level of cooperation of the family;
- 22 (5) the foster parents' willingness to work with the  
23 family to reunite;
- 24 (6) the willingness and ability of the foster family to  
25 provide an adoptive home or long-term placement;
- 26 (7) the age of the child;

1 (8) placement of siblings.

2 (m) The Department may assume temporary custody of any  
3 child if:

4 (1) it has received a written consent to such temporary  
5 custody signed by the parents of the child or by the parent  
6 having custody of the child if the parents are not living  
7 together or by the guardian or custodian of the child if  
8 the child is not in the custody of either parent, or

9 (2) the child is found in the State and neither a  
10 parent, guardian nor custodian of the child can be located.

11 If the child is found in his or her residence without a parent,  
12 guardian, custodian or responsible caretaker, the Department  
13 may, instead of removing the child and assuming temporary  
14 custody, place an authorized representative of the Department  
15 in that residence until such time as a parent, guardian or  
16 custodian enters the home and expresses a willingness and  
17 apparent ability to ensure the child's health and safety and  
18 resume permanent charge of the child, or until a relative  
19 enters the home and is willing and able to ensure the child's  
20 health and safety and assume charge of the child until a  
21 parent, guardian or custodian enters the home and expresses  
22 such willingness and ability to ensure the child's safety and  
23 resume permanent charge. After a caretaker has remained in the  
24 home for a period not to exceed 12 hours, the Department must  
25 follow those procedures outlined in Section 2-9, 3-11, 4-8, or  
26 5-415 of the Juvenile Court Act of 1987.

1           The Department shall have the authority, responsibilities  
2 and duties that a legal custodian of the child would have  
3 pursuant to subsection (9) of Section 1-3 of the Juvenile Court  
4 Act of 1987. Whenever a child is taken into temporary custody  
5 pursuant to an investigation under the Abused and Neglected  
6 Child Reporting Act, or pursuant to a referral and acceptance  
7 under the Juvenile Court Act of 1987 of a minor in limited  
8 custody, the Department, during the period of temporary custody  
9 and before the child is brought before a judicial officer as  
10 required by Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile  
11 Court Act of 1987, shall have the authority, responsibilities  
12 and duties that a legal custodian of the child would have under  
13 subsection (9) of Section 1-3 of the Juvenile Court Act of  
14 1987.

15           The Department shall ensure that any child taken into  
16 custody is scheduled for an appointment for a medical  
17 examination.

18           A parent, guardian or custodian of a child in the temporary  
19 custody of the Department who would have custody of the child  
20 if he were not in the temporary custody of the Department may  
21 deliver to the Department a signed request that the Department  
22 surrender the temporary custody of the child. The Department  
23 may retain temporary custody of the child for 10 days after the  
24 receipt of the request, during which period the Department may  
25 cause to be filed a petition pursuant to the Juvenile Court Act  
26 of 1987. If a petition is so filed, the Department shall retain

1 temporary custody of the child until the court orders  
2 otherwise. If a petition is not filed within the 10 day period,  
3 the child shall be surrendered to the custody of the requesting  
4 parent, guardian or custodian not later than the expiration of  
5 the 10 day period, at which time the authority and duties of  
6 the Department with respect to the temporary custody of the  
7 child shall terminate.

8 (m-1) The Department may place children under 18 years of  
9 age in a secure child care facility licensed by the Department  
10 that cares for children who are in need of secure living  
11 arrangements for their health, safety, and well-being after a  
12 determination is made by the facility director and the Director  
13 or the Director's designate prior to admission to the facility  
14 subject to Section 2-27.1 of the Juvenile Court Act of 1987.  
15 This subsection (m-1) does not apply to a child who is subject  
16 to placement in a correctional facility operated pursuant to  
17 Section 3-15-2 of the Unified Code of Corrections, unless the  
18 child is a ward who was placed under the care of the Department  
19 before being subject to placement in a correctional facility  
20 and a court of competent jurisdiction has ordered placement of  
21 the child in a secure care facility.

22 (n) The Department may place children under 18 years of age  
23 in licensed child care facilities when in the opinion of the  
24 Department, appropriate services aimed at family preservation  
25 have been unsuccessful and cannot ensure the child's health and  
26 safety or are unavailable and such placement would be for their

1 best interest. Payment for board, clothing, care, training and  
2 supervision of any child placed in a licensed child care  
3 facility may be made by the Department, by the parents or  
4 guardians of the estates of those children, or by both the  
5 Department and the parents or guardians, except that no  
6 payments shall be made by the Department for any child placed  
7 in a licensed child care facility for board, clothing, care,  
8 training and supervision of such a child that exceed the  
9 average per capita cost of maintaining and of caring for a  
10 child in institutions for dependent or neglected children  
11 operated by the Department. However, such restriction on  
12 payments does not apply in cases where children require  
13 specialized care and treatment for problems of severe emotional  
14 disturbance, physical disability, social adjustment, or any  
15 combination thereof and suitable facilities for the placement  
16 of such children are not available at payment rates within the  
17 limitations set forth in this Section. All reimbursements for  
18 services delivered shall be absolutely inalienable by  
19 assignment, sale, attachment, garnishment or otherwise.

20 (n-1) The Department shall provide or authorize child  
21 welfare services, aimed at assisting minors to achieve  
22 sustainable self-sufficiency as independent adults, for any  
23 minor eligible for the reinstatement of wardship pursuant to  
24 subsection (2) of Section 2-33 of the Juvenile Court Act of  
25 1987, whether or not such reinstatement is sought or allowed,  
26 provided that the minor consents to such services and has not

1 yet attained the age of 21. The Department shall have  
2 responsibility for the development and delivery of services  
3 under this Section. An eligible youth may access services under  
4 this Section through the Department of Children and Family  
5 Services or by referral from the Department of Human Services.  
6 Youth participating in services under this Section shall  
7 cooperate with the assigned case manager in developing an  
8 agreement identifying the services to be provided and how the  
9 youth will increase skills to achieve self-sufficiency. A  
10 homeless shelter is not considered appropriate housing for any  
11 youth receiving child welfare services under this Section. The  
12 Department shall continue child welfare services under this  
13 Section to any eligible minor until the minor becomes 21 years  
14 of age, no longer consents to participate, or achieves  
15 self-sufficiency as identified in the minor's service plan. The  
16 Department of Children and Family Services shall create clear,  
17 readable notice of the rights of former foster youth to child  
18 welfare services under this Section and how such services may  
19 be obtained. The Department of Children and Family Services and  
20 the Department of Human Services shall disseminate this  
21 information statewide. The Department shall adopt regulations  
22 describing services intended to assist minors in achieving  
23 sustainable self-sufficiency as independent adults.

24 (o) The Department shall establish an administrative  
25 review and appeal process for children and families who request  
26 or receive child welfare services from the Department. Children

1 who are wards of the Department and are placed by private child  
2 welfare agencies, and foster families with whom those children  
3 are placed, shall be afforded the same procedural and appeal  
4 rights as children and families in the case of placement by the  
5 Department, including the right to an initial review of a  
6 private agency decision by that agency. The Department shall  
7 insure that any private child welfare agency, which accepts  
8 wards of the Department for placement, affords those rights to  
9 children and foster families. The Department shall accept for  
10 administrative review and an appeal hearing a complaint made by  
11 (i) a child or foster family concerning a decision following an  
12 initial review by a private child welfare agency or (ii) a  
13 prospective adoptive parent who alleges a violation of  
14 subsection (j-5) of this Section. An appeal of a decision  
15 concerning a change in the placement of a child shall be  
16 conducted in an expedited manner.

17 (p) There is hereby created the Department of Children and  
18 Family Services Emergency Assistance Fund from which the  
19 Department may provide special financial assistance to  
20 families which are in economic crisis when such assistance is  
21 not available through other public or private sources and the  
22 assistance is deemed necessary to prevent dissolution of the  
23 family unit or to reunite families which have been separated  
24 due to child abuse and neglect. The Department shall establish  
25 administrative rules specifying the criteria for determining  
26 eligibility for and the amount and nature of assistance to be

1 provided. The Department may also enter into written agreements  
2 with private and public social service agencies to provide  
3 emergency financial services to families referred by the  
4 Department. Special financial assistance payments shall be  
5 available to a family no more than once during each fiscal year  
6 and the total payments to a family may not exceed \$500 during a  
7 fiscal year.

8 (q) The Department may receive and use, in their entirety,  
9 for the benefit of children any gift, donation or bequest of  
10 money or other property which is received on behalf of such  
11 children, or any financial benefits to which such children are  
12 or may become entitled while under the jurisdiction or care of  
13 the Department.

14 The Department shall set up and administer no-cost,  
15 interest-bearing accounts in appropriate financial  
16 institutions for children for whom the Department is legally  
17 responsible and who have been determined eligible for Veterans'  
18 Benefits, Social Security benefits, assistance allotments from  
19 the armed forces, court ordered payments, parental voluntary  
20 payments, Supplemental Security Income, Railroad Retirement  
21 payments, Black Lung benefits, or other miscellaneous  
22 payments. Interest earned by each account shall be credited to  
23 the account, unless disbursed in accordance with this  
24 subsection.

25 In disbursing funds from children's accounts, the  
26 Department shall:

1           (1) Establish standards in accordance with State and  
2 federal laws for disbursing money from children's  
3 accounts. In all circumstances, the Department's  
4 "Guardianship Administrator" or his or her designee must  
5 approve disbursements from children's accounts. The  
6 Department shall be responsible for keeping complete  
7 records of all disbursements for each account for any  
8 purpose.

9           (2) Calculate on a monthly basis the amounts paid from  
10 State funds for the child's board and care, medical care  
11 not covered under Medicaid, and social services; and  
12 utilize funds from the child's account, as covered by  
13 regulation, to reimburse those costs. Monthly,  
14 disbursements from all children's accounts, up to 1/12 of  
15 \$13,000,000, shall be deposited by the Department into the  
16 General Revenue Fund and the balance over 1/12 of  
17 \$13,000,000 into the DCFS Children's Services Fund.

18           (3) Maintain any balance remaining after reimbursing  
19 for the child's costs of care, as specified in item (2).  
20 The balance shall accumulate in accordance with relevant  
21 State and federal laws and shall be disbursed to the child  
22 or his or her guardian, or to the issuing agency.

23           (r) The Department shall promulgate regulations  
24 encouraging all adoption agencies to voluntarily forward to the  
25 Department or its agent names and addresses of all persons who  
26 have applied for and have been approved for adoption of a

1 hard-to-place or handicapped child and the names of such  
2 children who have not been placed for adoption. A list of such  
3 names and addresses shall be maintained by the Department or  
4 its agent, and coded lists which maintain the confidentiality  
5 of the person seeking to adopt the child and of the child shall  
6 be made available, without charge, to every adoption agency in  
7 the State to assist the agencies in placing such children for  
8 adoption. The Department may delegate to an agent its duty to  
9 maintain and make available such lists. The Department shall  
10 ensure that such agent maintains the confidentiality of the  
11 person seeking to adopt the child and of the child.

12 (s) The Department of Children and Family Services may  
13 establish and implement a program to reimburse Department and  
14 private child welfare agency foster parents licensed by the  
15 Department of Children and Family Services for damages  
16 sustained by the foster parents as a result of the malicious or  
17 negligent acts of foster children, as well as providing third  
18 party coverage for such foster parents with regard to actions  
19 of foster children to other individuals. Such coverage will be  
20 secondary to the foster parent liability insurance policy, if  
21 applicable. The program shall be funded through appropriations  
22 from the General Revenue Fund, specifically designated for such  
23 purposes.

24 (t) The Department shall perform home studies and  
25 investigations and shall exercise supervision over visitation  
26 as ordered by a court pursuant to the Illinois Marriage and

1 Dissolution of Marriage Act or the Adoption Act only if:

2 (1) an order entered by an Illinois court specifically  
3 directs the Department to perform such services; and

4 (2) the court has ordered one or both of the parties to  
5 the proceeding to reimburse the Department for its  
6 reasonable costs for providing such services in accordance  
7 with Department rules, or has determined that neither party  
8 is financially able to pay.

9 The Department shall provide written notification to the  
10 court of the specific arrangements for supervised visitation  
11 and projected monthly costs within 60 days of the court order.  
12 The Department shall send to the court information related to  
13 the costs incurred except in cases where the court has  
14 determined the parties are financially unable to pay. The court  
15 may order additional periodic reports as appropriate.

16 (u) In addition to other information that must be provided,  
17 whenever the Department places a child with a prospective  
18 adoptive parent or parents or in a licensed foster home, group  
19 home, child care institution, or in a relative home, the  
20 Department shall provide to the prospective adoptive parent or  
21 parents or other caretaker:

22 (1) available detailed information concerning the  
23 child's educational and health history, copies of  
24 immunization records (including insurance and medical card  
25 information), a history of the child's previous  
26 placements, if any, and reasons for placement changes

1 excluding any information that identifies or reveals the  
2 location of any previous caretaker;

3 (2) a copy of the child's portion of the client service  
4 plan, including any visitation arrangement, and all  
5 amendments or revisions to it as related to the child; and

6 (3) information containing details of the child's  
7 individualized educational plan when the child is  
8 receiving special education services.

9 The caretaker shall be informed of any known social or  
10 behavioral information (including, but not limited to,  
11 criminal background, fire setting, perpetuation of sexual  
12 abuse, destructive behavior, and substance abuse) necessary to  
13 care for and safeguard the children to be placed or currently  
14 in the home. The Department may prepare a written summary of  
15 the information required by this paragraph, which may be  
16 provided to the foster or prospective adoptive parent in  
17 advance of a placement. The foster or prospective adoptive  
18 parent may review the supporting documents in the child's file  
19 in the presence of casework staff. In the case of an emergency  
20 placement, casework staff shall at least provide known  
21 information verbally, if necessary, and must subsequently  
22 provide the information in writing as required by this  
23 subsection.

24 The information described in this subsection shall be  
25 provided in writing. In the case of emergency placements when  
26 time does not allow prior review, preparation, and collection

1 of written information, the Department shall provide such  
2 information as it becomes available. Within 10 business days  
3 after placement, the Department shall obtain from the  
4 prospective adoptive parent or parents or other caretaker a  
5 signed verification of receipt of the information provided.  
6 Within 10 business days after placement, the Department shall  
7 provide to the child's guardian ad litem a copy of the  
8 information provided to the prospective adoptive parent or  
9 parents or other caretaker. The information provided to the  
10 prospective adoptive parent or parents or other caretaker shall  
11 be reviewed and approved regarding accuracy at the supervisory  
12 level.

13 (u-5) Effective July 1, 1995, only foster care placements  
14 licensed as foster family homes pursuant to the Child Care Act  
15 of 1969 shall be eligible to receive foster care payments from  
16 the Department. Relative caregivers who, as of July 1, 1995,  
17 were approved pursuant to approved relative placement rules  
18 previously promulgated by the Department at 89 Ill. Adm. Code  
19 335 and had submitted an application for licensure as a foster  
20 family home may continue to receive foster care payments only  
21 until the Department determines that they may be licensed as a  
22 foster family home or that their application for licensure is  
23 denied or until September 30, 1995, whichever occurs first.

24 (v) The Department shall access criminal history record  
25 information as defined in the Illinois Uniform Conviction  
26 Information Act and information maintained in the adjudicatory

1 and dispositional record system as defined in Section 2605-355  
2 of the Department of State Police Law (20 ILCS 2605/2605-355)  
3 if the Department determines the information is necessary to  
4 perform its duties under the Abused and Neglected Child  
5 Reporting Act, the Child Care Act of 1969, and the Children and  
6 Family Services Act. The Department shall provide for  
7 interactive computerized communication and processing  
8 equipment that permits direct on-line communication with the  
9 Department of State Police's central criminal history data  
10 repository. The Department shall comply with all certification  
11 requirements and provide certified operators who have been  
12 trained by personnel from the Department of State Police. In  
13 addition, one Office of the Inspector General investigator  
14 shall have training in the use of the criminal history  
15 information access system and have access to the terminal. The  
16 Department of Children and Family Services and its employees  
17 shall abide by rules and regulations established by the  
18 Department of State Police relating to the access and  
19 dissemination of this information.

20 (v-1) Prior to final approval for placement of a child, the  
21 Department shall conduct a criminal records background check of  
22 the prospective foster or adoptive parent, including  
23 fingerprint-based checks of national crime information  
24 databases. Final approval for placement shall not be granted if  
25 the record check reveals a felony conviction for child abuse or  
26 neglect, for spousal abuse, for a crime against children, or

1 for a crime involving violence, including rape, sexual assault,  
2 or homicide, but not including other physical assault or  
3 battery, or if there is a felony conviction for physical  
4 assault, battery, or a drug-related offense committed within  
5 the past 5 years.

6 (v-2) Prior to final approval for placement of a child, the  
7 Department shall check its child abuse and neglect registry for  
8 information concerning prospective foster and adoptive  
9 parents, and any adult living in the home. If any prospective  
10 foster or adoptive parent or other adult living in the home has  
11 resided in another state in the preceding 5 years, the  
12 Department shall request a check of that other state's child  
13 abuse and neglect registry.

14 (w) Within 120 days of August 20, 1995 (the effective date  
15 of Public Act 89-392), the Department shall prepare and submit  
16 to the Governor and the General Assembly, a written plan for  
17 the development of in-state licensed secure child care  
18 facilities that care for children who are in need of secure  
19 living arrangements for their health, safety, and well-being.  
20 For purposes of this subsection, secure care facility shall  
21 mean a facility that is designed and operated to ensure that  
22 all entrances and exits from the facility, a building or a  
23 distinct part of the building, are under the exclusive control  
24 of the staff of the facility, whether or not the child has the  
25 freedom of movement within the perimeter of the facility,  
26 building, or distinct part of the building. The plan shall

1 include descriptions of the types of facilities that are needed  
2 in Illinois; the cost of developing these secure care  
3 facilities; the estimated number of placements; the potential  
4 cost savings resulting from the movement of children currently  
5 out-of-state who are projected to be returned to Illinois; the  
6 necessary geographic distribution of these facilities in  
7 Illinois; and a proposed timetable for development of such  
8 facilities.

9 (x) The Department shall conduct annual credit history  
10 checks to determine the financial history of children placed  
11 under its guardianship pursuant to the Juvenile Court Act of  
12 1987. The Department shall conduct such credit checks starting  
13 when a ward turns 12 years old and each year thereafter for the  
14 duration of the guardianship as terminated pursuant to the  
15 Juvenile Court Act of 1987. The Department shall determine if  
16 financial exploitation of the child's personal information has  
17 occurred. If financial exploitation appears to have taken place  
18 or is presently ongoing, the Department shall notify the proper  
19 law enforcement agency, the proper State's Attorney, or the  
20 Attorney General.

21 (Source: P.A. 95-10, eff. 6-30-07; 95-601, eff. 9-11-07;  
22 95-642, eff. 6-1-08; 95-876, eff. 8-21-08; 96-134, eff. 8-7-09;  
23 96-581, eff. 1-1-10; 96-600, eff. 8-21-09; 96-619, eff. 1-1-10;  
24 96-760, eff. 1-1-10; revised 9-15-09.)

1           Sec. 34.11. Lou Jones Grandparent Child Care Program.

2           (a) The General Assembly finds and declares the following:

3                 (1) An increasing number of children under the age of  
4                 18, including many children who would otherwise be at risk  
5                 of abuse or neglect, are in the care of a grandparent or  
6                 other nonparent relative.

7                 (2) The principal causes of this increase include  
8                 parental substance abuse, chronic illness, child abuse,  
9                 mental illness, military deployment, poverty,  
10                homelessness, deportation, and death, as well as concerted  
11                efforts by families and by the child welfare service system  
12                to keep children with relatives whenever possible.

13                (3) Grandparents and older relatives providing primary  
14                care for at-risk children may experience unique resultant  
15                problems, such as financial stress due to limited incomes,  
16                emotional difficulties dealing with the loss of the child's  
17                parents or the child's unique behaviors, and decreased  
18                physical stamina coupled with a much higher incidence of  
19                chronic illness.

20                (4) Many children being raised by nonparent relatives  
21                experience one or a combination of emotional, behavioral,  
22                psychological, academic, or medical problems, especially  
23                those born to a substance-abusing mother or at risk of  
24                child abuse, neglect, or abandonment.

25                (5) Grandparents and other relatives providing primary  
26                care for children lack appropriate information about the

1 issues of kinship care, the special needs (both physical  
2 and psychological) of children born to a substance-abusing  
3 mother or at risk of child abuse, neglect, or abandonment,  
4 and the support resources currently available to them.

5 (6) An increasing number of grandparents and other  
6 relatives age 60 or older are adopting or becoming the  
7 subsidized guardians of children placed in their care by  
8 the Department. Some of these children will experience the  
9 death of their adoptive parent or guardian before reaching  
10 the age of 18. For most of these children, no legal plan  
11 has been made for the child's future care and custody in  
12 the event of the caregiver's death or incapacity.

13 (7) Grandparents and other relatives providing primary  
14 care for children lack appropriate information about  
15 future care and custody planning for children in their  
16 care. They also lack access to resources that may assist  
17 them in developing future legal care and custody plans for  
18 children in their legal custody.

19 (b) The Department may establish an informational and  
20 educational program for grandparents and other relatives who  
21 provide primary care for children who are at risk of child  
22 abuse, neglect, or abandonment or who were born to  
23 substance-abusing mothers. As a part of the program, the  
24 Department may develop, publish, and distribute an  
25 informational brochure for grandparents and other relatives  
26 who provide primary care for children who are at risk of child

1 abuse, neglect, or abandonment or who were born to  
2 substance-abusing mothers. The information provided under the  
3 program authorized by this Section may include, but is not  
4 limited to the following:

5 (1) The most prevalent causes of kinship care,  
6 especially the risk of (i) substance exposure, (ii) child  
7 abuse, neglect, or abandonment, (iii) chronic illness,  
8 (iv) mental illness, (v) military deployment, or (vi)  
9 death.

10 (2) The problems experienced by children being raised  
11 by nonparent caregivers.

12 (3) The problems experienced by grandparents and other  
13 nonparent relatives providing primary care for children  
14 who have special needs.

15 (4) The legal system as it relates to children and  
16 their nonparent primary caregivers.

17 (5) The benefits available to children and their  
18 nonparent primary caregivers.

19 (6) A list of support groups and resources located  
20 throughout the State.

21 The brochure may be distributed through hospitals, public  
22 health nurses, child protective services, medical professional  
23 offices, elementary and secondary schools, senior citizen  
24 centers, public libraries, community action agencies selected  
25 by the Department, and the Department of Human Services.

26 The Kinship Navigator established under the Kinship

1 Navigator Act shall coordinate the grandparent child care  
2 program under this Section with the programs and services  
3 established and administered by the Department of Human  
4 Services under the Kinship Navigator Act.

5 (c) In addition to other provisions of this Section, the  
6 Department shall establish a program of information, social  
7 work services, and legal services for any person age 60 or over  
8 and any other person who may be in need of a future legal care  
9 and custody plan who adopt, have adopted, take guardianship of,  
10 or have taken guardianship of children previously in the  
11 Department's custody. This program shall also assist families  
12 of deceased adoptive parents and guardians. As part of the  
13 program, the Department shall:

14 (1) Develop a protocol for identification of persons  
15 age 60 or over and others who may be in need of future care  
16 and custody plans, including ill caregivers, who are  
17 adoptive parents, prospective adoptive parents, guardians,  
18 or prospective guardians of children who are or have been  
19 in Department custody.

20 (2) Provide outreach to caregivers before and after  
21 adoption and guardianship, and to the families of deceased  
22 caregivers, regarding Illinois legal options for future  
23 care and custody of children.

24 (3) Provide training for Department and private agency  
25 staff on methods of assisting caregivers before and after  
26 adoption and guardianship, and the families of older and

1           ill caregivers, who wish to make future care and custody  
2           plans for children who have been wards of the Department  
3           and who are or will be adopted by or are or will become  
4           wards of those caregivers.

5           (4) Ensure that all caregivers age 60 or over who will  
6           adopt or will become guardians of children previously in  
7           Department custody have specifically designated future  
8           caregivers for children in their care. The Department shall  
9           document this designation, and the Department shall also  
10          document acceptance of this responsibility by any future  
11          caregiver. Documentation of future care designation shall  
12          be included in each child's case file and adoption or  
13          guardianship subsidy files as applicable to the child.

14          (5) Ensure that any designated future caregiver and the  
15          family of a deceased caregiver have information on the  
16          financial needs of the child and future resources that may  
17          be available to support the child, including any adoption  
18          assistance and subsidized guardianship for which the child  
19          is or may be eligible.

20          (6) With respect to programs of social work and legal  
21          services:

22                 (i) Provide contracted social work services to  
23                 older and ill caregivers, and the families of deceased  
24                 caregivers, including those who will or have adopted or  
25                 will take or have taken guardianship of children  
26                 previously in Department custody. Social work services

1 to caregivers will have the goal of securing a future  
2 care and custody plan for children in their care. Such  
3 services will include providing information to the  
4 caregivers and families on standby guardianship,  
5 guardianship, standby adoption, and adoption. The  
6 Department will assist the caregiver in developing a  
7 plan for the child if the caregiver becomes  
8 incapacitated or terminally ill, or dies while the  
9 child is a minor. The Department shall develop a form  
10 to document the information given to caregivers and to  
11 document plans for future custody, in addition to the  
12 documentation described in subsection (b) (4). This  
13 form shall be included in each child's case file and  
14 adoption or guardianship subsidy files as applicable  
15 to the child.

16 (ii) Through a program of contracted legal  
17 services, assist older and ill caregivers, and the  
18 families of deceased caregivers, with the goal of  
19 securing court-ordered future care and custody plans  
20 for children in their care. Court-ordered future care  
21 and custody plans may include: standby guardianship,  
22 successor guardianship, standby adoption, and  
23 successor adoption. The program will also study ways in  
24 which to provide timely and cost-effective legal  
25 services to older and ill caregivers, and to families  
26 of deceased caregivers in order to ensure permanency

1           for children in their care.

2           (7) Ensure that future caregivers designated by  
3 adoptive parents or guardians, and the families of deceased  
4 caregivers, understand their rights and potential  
5 responsibilities and shall be able to provide adequate  
6 support and education for children who may become their  
7 legal responsibility.

8           (8) Ensure that future caregivers designated by  
9 adoptive parents and guardians, and the families of  
10 deceased caregivers, understand the problems of children  
11 who have experienced multiple caregivers and who may have  
12 experienced abuse, neglect, or abandonment or may have been  
13 born to substance-abusing mothers.

14           (9) Ensure that future caregivers designated by  
15 adoptive parents and guardians, and the families of  
16 deceased caregivers, understand the problems experienced  
17 by older and ill caregivers of children, including children  
18 with special needs, such as financial stress due to limited  
19 income and increased financial responsibility, emotional  
20 difficulties associated with the loss of a child's parent  
21 or the child's unique behaviors, the special needs of a  
22 child who may come into their custody or whose parent or  
23 guardian is already deceased, and decreased physical  
24 stamina and a higher rate of chronic illness and other  
25 health concerns.

26           (10) Provide additional services as needed to families

1 in which a designated caregiver appointed by the court or a  
2 caregiver designated in a will or other legal document  
3 cannot or will not fulfill the responsibilities as adoptive  
4 parent, guardian, or legal custodian of the child.

5 (d) The Department shall consult with the Department on  
6 Aging and any other agency it deems appropriate as the  
7 Department develops the program required by subsection (c).

8 (e) Rulemaking authority to implement Public Act 95-1040  
9 ~~this amendatory Act of the 95th General Assembly~~, if any, is  
10 conditioned on the rules being adopted in accordance with all  
11 provisions of the Illinois Administrative Procedure Act and all  
12 rules and procedures of the Joint Committee on Administrative  
13 Rules; any purported rule not so adopted, for whatever reason,  
14 is unauthorized.

15 (Source: P.A. 95-1040, eff. 3-25-09; 96-276, eff. 8-11-09;  
16 revised 9-4-09.)

17 Section 65. The Child Death Review Team Act is amended by  
18 changing Section 45 as follows:

19 (20 ILCS 515/45)

20 Sec. 45. Child Death Investigation Task Force; pilot  
21 program. The Child Death Review Teams Executive Council may,  
22 from funds appropriated by the Illinois General Assembly to the  
23 Department and provided to the Child Death Review Teams  
24 Executive Council for this purpose, or from funds that may

1 otherwise be provided for this purpose from other public or  
2 private sources, establish a 3-year pilot program in the  
3 Southern Region of the State, as designated by the Department,  
4 under which a special Child Death Investigation Task Force will  
5 be created by the Child Death Review Teams Executive Council to  
6 develop and implement a plan for the investigation of sudden,  
7 unexpected, or unexplained deaths of children under 18 years of  
8 age occurring within that region. The plan shall include a  
9 protocol to be followed by child death review teams in the  
10 review of child deaths authorized under paragraph (a)(5) of  
11 Section 20 of this Act. The plan must include provisions for  
12 local or State law enforcement agencies, hospitals, or coroners  
13 to promptly notify the Task Force of a death or serious  
14 life-threatening injury to a child, and for the Child Death  
15 Investigation Task Force to review the death and submit a  
16 report containing findings and recommendations to the Child  
17 Death Review Teams Executive Council, the Director, the  
18 Department of Children and Family Services Inspector General,  
19 the appropriate State's Attorney, and the State Representative  
20 and State Senator in whose legislative districts the case  
21 arose. The plan may include coordination with any investigation  
22 conducted under the Children's Advocacy Center Act. By January  
23 1, 2010, the Child Death Review Teams Executive Council shall  
24 submit a report to the Director, the General Assembly, and the  
25 Governor summarizing the results of the pilot program together  
26 with any recommendations for statewide implementation of a

1 protocol for the investigation of ~~investigating~~ all sudden,  
2 unexpected, or unexplained child deaths.

3 (Source: P.A. 95-527, eff. 6-1-08; revised 10-30-09.)

4 Section 70. The Department of Human Services Act is amended  
5 by changing Section 1-17 as follows:

6 (20 ILCS 1305/1-17)

7 (Text of Section before amendment by P.A. 96-339)

8 Sec. 1-17. Inspector General.

9 (a) Nature and purpose. It is the express intent of the  
10 General Assembly to ensure the health, safety, and financial  
11 condition of individuals receiving services in this State due  
12 to mental illness, developmental disability, or both by  
13 protecting those persons from acts of abuse, neglect, or both  
14 by service providers. To that end, the Office of the Inspector  
15 General for the Department of Human Services is created to  
16 investigate and report upon allegations of the abuse, neglect,  
17 or financial exploitation of individuals receiving services  
18 within mental health facilities, developmental disabilities  
19 facilities, and community agencies operated, licensed, funded  
20 or certified by the Department of Human Services, but not  
21 licensed or certified by any other State agency. It is also the  
22 express intent of the General Assembly to authorize the  
23 Inspector General to investigate alleged or suspected cases of  
24 abuse, neglect, or financial exploitation of adults with

1 disabilities living in domestic settings in the community under  
2 the Abuse of Adults with Disabilities Intervention Act.

3 (b) Definitions. The following definitions apply to this  
4 Section:

5 "Agency" or "community agency" means (i) a community agency  
6 licensed, funded, or certified by the Department, but not  
7 licensed or certified by any other human services agency of the  
8 State, to provide mental health service or developmental  
9 disabilities service, or (ii) a program licensed, funded, or  
10 certified by the Department, but not licensed or certified by  
11 any other human services agency of the State, to provide mental  
12 health service or developmental disabilities service.

13 "Aggravating circumstance" means a factor that is  
14 attendant to a finding and that tends to compound or increase  
15 the culpability of the accused.

16 "Allegation" means an assertion, complaint, suspicion, or  
17 incident involving any of the following conduct by an employee,  
18 facility, or agency against an individual or individuals:  
19 mental abuse, physical abuse, sexual abuse, neglect, or  
20 financial exploitation.

21 "Day" means working day, unless otherwise specified.

22 "Deflection" means a situation in which an individual is  
23 presented for admission to a facility or agency, and the  
24 facility staff or agency staff do not admit the individual.

25 "Deflection" includes triage, redirection, and denial of  
26 admission.

1 "Department" means the Department of Human Services.

2 "Developmentally disabled" means having a developmental  
3 disability.

4 "Developmental disability" means "developmental  
5 disability" as defined in the Mental Health and Developmental  
6 Disabilities Code.

7 "Egregious neglect" means a finding of neglect as  
8 determined by the Inspector General that (i) represents a gross  
9 failure to adequately provide for, or a callused indifference  
10 to, the health, safety, or medical needs of an individual and  
11 (ii) results in an individual's death or other serious  
12 deterioration of an individual's physical condition or mental  
13 condition.

14 "Employee" means any person who provides services at the  
15 facility or agency on-site or off-site. The service  
16 relationship can be with the individual or with the facility or  
17 agency. Also, "employee" includes any employee or contractual  
18 agent of the Department of Human Services or the community  
19 agency involved in providing or monitoring or administering  
20 mental health or developmental disability services. This  
21 includes but is not limited to: owners, operators, payroll  
22 personnel, contractors, subcontractors, and volunteers.

23 "Facility" or "State-operated facility" means a mental  
24 health facility or developmental disabilities facility  
25 operated by the Department.

26 "Financial exploitation" means taking unjust advantage of

1 an individual's assets, property, or financial resources  
2 through deception, intimidation, or conversion for the  
3 employee's, facility's, or agency's own advantage or benefit.

4 "Finding" means the Office of Inspector General's  
5 determination regarding whether an allegation is  
6 substantiated, unsubstantiated, or unfounded.

7 "Health care worker registry" or "registry" means the  
8 health care worker registry created by the Nursing Home Care  
9 Act.

10 "Individual" means any person receiving mental health  
11 service, developmental disabilities service, or both from a  
12 facility or agency, while either on-site or off-site.

13 "Mental abuse" means the use of demeaning, intimidating, or  
14 threatening words, signs, gestures, or other actions by an  
15 employee about an individual and in the presence of an  
16 individual or individuals that results in emotional distress or  
17 maladaptive behavior, or could have resulted in emotional  
18 distress or maladaptive behavior, for any individual present.

19 "Mental illness" means "mental illness" as defined in the  
20 Mental Health and Developmental Disabilities Code.

21 "Mentally ill" means having a mental illness.

22 "Mitigating circumstance" means a condition that (i) is  
23 attendant to a finding, (ii) does not excuse or justify the  
24 conduct in question, but (iii) may be considered in evaluating  
25 the severity of the conduct, the culpability of the accused, or  
26 both the severity of the conduct and the culpability of the

1 accused.

2 "Neglect" means an employee's, agency's, or facility's  
3 failure to provide adequate medical care, personal care, or  
4 maintenance and that, as a consequence, (i) causes an  
5 individual pain, injury, or emotional distress, (ii) results in  
6 either an individual's maladaptive behavior or the  
7 deterioration of an individual's physical condition or mental  
8 condition, or (iii) places the individual's health or safety at  
9 substantial risk.

10 "Physical abuse" means an employee's non-accidental and  
11 inappropriate contact with an individual that causes bodily  
12 harm. "Physical abuse" includes actions that cause bodily harm  
13 as a result of an employee directing an individual or person to  
14 physically abuse another individual.

15 "Recommendation" means an admonition, separate from a  
16 finding, that requires action by the facility, agency, or  
17 Department to correct a systemic issue, problem, or deficiency  
18 identified during an investigation.

19 "Required reporter" means any employee who suspects,  
20 witnesses, or is informed of an allegation of any one or more  
21 of the following: mental abuse, physical abuse, sexual abuse,  
22 neglect, or financial exploitation.

23 "Secretary" means the Chief Administrative Officer of the  
24 Department.

25 "Sexual abuse" means any sexual contact or intimate  
26 physical contact between an employee and an individual,

1 including an employee's coercion or encouragement of an  
2 individual to engage in sexual behavior that results in sexual  
3 contact, intimate physical contact, sexual behavior, or  
4 intimate physical behavior.

5 "Substantiated" means there is a preponderance of the  
6 evidence to support the allegation.

7 "Unfounded" means there is no credible evidence to support  
8 the allegation.

9 "Unsubstantiated" means there is credible evidence, but  
10 less than a preponderance of evidence to support the  
11 allegation.

12 (c) Appointment. The Governor shall appoint, and the Senate  
13 shall confirm, an Inspector General. The Inspector General  
14 shall be appointed for a term of 4 years and shall function  
15 within the Department of Human Services and report to the  
16 Secretary and the Governor.

17 (d) Operation and appropriation. The Inspector General  
18 shall function independently within the Department with  
19 respect to the operations of the Office, including the  
20 performance of investigations and issuance of findings and  
21 recommendations. The appropriation for the Office of Inspector  
22 General shall be separate from the overall appropriation for  
23 the Department.

24 (e) Powers and duties. The Inspector General shall  
25 investigate reports of suspected mental abuse, physical abuse,  
26 sexual abuse, neglect, or financial exploitation of

1 individuals in any mental health or developmental disabilities  
2 facility or agency and shall have authority to take immediate  
3 action to prevent any one or more of the following from  
4 happening to individuals under its jurisdiction: mental abuse,  
5 physical abuse, sexual abuse, neglect, or financial  
6 exploitation. Upon written request of an agency of this State,  
7 the Inspector General may assist another agency of the State in  
8 investigating reports of the abuse, neglect, or abuse and  
9 neglect of persons with mental illness, persons with  
10 developmental disabilities, or persons with both. To comply  
11 with the requirements of subsection (k) of this Section, the  
12 Inspector General shall also review all reportable deaths for  
13 which there is no allegation of abuse or neglect. Nothing in  
14 this Section shall preempt any duties of the Medical Review  
15 Board set forth in the Mental Health and Developmental  
16 Disabilities Code. The Inspector General shall have no  
17 authority to investigate alleged violations of the State  
18 Officials and Employees Ethics Act. Allegations of misconduct  
19 under the State Officials and Employees Ethics Act shall be  
20 referred to the Office of the Governor's Executive Inspector  
21 General for investigation.

22 (f) Limitations. The Inspector General shall not conduct an  
23 investigation within an agency or facility if that  
24 investigation would be redundant to or interfere with an  
25 investigation conducted by another State agency. The Inspector  
26 General shall have no supervision over, or involvement in, the

1 routine programmatic, licensing, funding, or certification  
2 operations of the Department. Nothing in this subsection limits  
3 investigations by the Department that may otherwise be required  
4 by law or that may be necessary in the Department's capacity as  
5 central administrative authority responsible for the operation  
6 of the State's mental health and developmental disabilities  
7 facilities.

8 (g) Rulemaking authority. The Inspector General shall  
9 promulgate rules establishing minimum requirements for  
10 reporting allegations as well as for initiating, conducting,  
11 and completing investigations based upon the nature of the  
12 allegation or allegations. The rules shall clearly establish  
13 that if 2 or more State agencies could investigate an  
14 allegation, the Inspector General shall not conduct an  
15 investigation that would be redundant to, or interfere with, an  
16 investigation conducted by another State agency. The rules  
17 shall further clarify the method and circumstances under which  
18 the Office of Inspector General may interact with the  
19 licensing, funding, or certification units of the Department in  
20 preventing further occurrences of mental abuse, physical  
21 abuse, sexual abuse, neglect, egregious neglect, and financial  
22 exploitation.

23 (h) Training programs. The Inspector General shall (i)  
24 establish a comprehensive program to ensure that every person  
25 authorized to conduct investigations receives ongoing training  
26 relative to investigation techniques, communication skills,

1 and the appropriate means of interacting with persons receiving  
2 treatment for mental illness, developmental disability, or  
3 both mental illness and developmental disability, and (ii)  
4 establish and conduct periodic training programs for facility  
5 and agency employees concerning the prevention and reporting of  
6 any one or more of the following: mental abuse, physical abuse,  
7 sexual abuse, neglect, egregious neglect, or financial  
8 exploitation. Nothing in this Section shall be deemed to  
9 prevent the Office of Inspector General from conducting any  
10 other training as determined by the Inspector General to be  
11 necessary or helpful.

12 (i) Duty to cooperate.

13 (1) The Inspector General shall at all times be granted  
14 access to any facility or agency for the purpose of  
15 investigating any allegation, conducting unannounced site  
16 visits, monitoring compliance with a written response, or  
17 completing any other statutorily assigned duty. The  
18 Inspector General shall conduct unannounced site visits to  
19 each facility at least annually for the purpose of  
20 reviewing and making recommendations on systemic issues  
21 relative to preventing, reporting, investigating, and  
22 responding to all of the following: mental abuse, physical  
23 abuse, sexual abuse, neglect, egregious neglect, or  
24 financial exploitation.

25 (2) Any employee who fails to cooperate with an Office  
26 of the Inspector General investigation is in violation of

1           this Act. Failure to cooperate with an investigation  
2           includes, but is not limited to, any one or more of the  
3           following: (i) creating and transmitting a false report to  
4           the Office of the Inspector General hotline, (ii) providing  
5           false information to an Office of the Inspector General  
6           Investigator during an investigation, (iii) colluding with  
7           other employees to cover up evidence, (iv) colluding with  
8           other employees to provide false information to an Office  
9           of the Inspector General investigator, (v) destroying  
10          evidence, (vi) withholding evidence, or (vii) otherwise  
11          obstructing an Office of the Inspector General  
12          investigation. Additionally, any employee who, during an  
13          unannounced site visit or written response compliance  
14          check, fails to cooperate with requests from the Office of  
15          the Inspector General is in violation of this Act.

16          (j) Subpoena powers. The Inspector General shall have the  
17          power to subpoena witnesses and compel the production of all  
18          documents and physical evidence relating to his or her  
19          investigations and any hearings authorized by this Act. This  
20          subpoena power shall not extend to persons or documents of a  
21          labor organization or its representatives insofar as the  
22          persons are acting in a representative capacity to an employee  
23          whose conduct is the subject of an investigation or the  
24          documents relate to that representation. Any person who  
25          otherwise fails to respond to a subpoena or who knowingly  
26          provides false information to the Office of the Inspector

1 General by subpoena during an investigation is guilty of a  
2 Class A misdemeanor.

3 (k) Reporting allegations and deaths.

4 (1) Allegations. If an employee witnesses, is told of,  
5 or has reason to believe an incident of mental abuse,  
6 physical abuse, sexual abuse, neglect, or financial  
7 exploitation has occurred, the employee, agency, or  
8 facility shall report the allegation by phone to the Office  
9 of the Inspector General hotline according to the agency's  
10 or facility's procedures, but in no event later than 4  
11 hours after the initial discovery of the incident,  
12 allegation, or suspicion of any one or more of the  
13 following: mental abuse, physical abuse, sexual abuse,  
14 neglect, or financial exploitation. A required reporter as  
15 defined in subsection (b) of this Section who knowingly or  
16 intentionally fails to comply with these reporting  
17 requirements is guilty of a Class A misdemeanor.

18 (2) Deaths. Absent an allegation, a required reporter  
19 shall, within 24 hours after initial discovery, report by  
20 phone to the Office of the Inspector General hotline each  
21 of the following:

22 (i) Any death of an individual occurring within 14  
23 calendar days after discharge or transfer of the  
24 individual from a residential program or facility.

25 (ii) Any death of an individual occurring within 24  
26 hours after deflection from a residential program or

1 facility.

2 (iii) Any other death of an individual occurring at  
3 an agency or facility or at any Department-funded site.

4 (3) Retaliation. It is a violation of this Act for any  
5 employee or administrator of an agency or facility to take  
6 retaliatory action against an employee who acts in good  
7 faith in conformance with his or her duties as a required  
8 reporter.

9 (1) Reporting criminal acts. Within 24 hours after  
10 determining that there is credible evidence indicating that a  
11 criminal act may have been committed or that special expertise  
12 may be required in an investigation, the Inspector General  
13 shall notify the Department of State Police or other  
14 appropriate law enforcement authority, or ensure that such  
15 notification is made. The Department of State Police shall  
16 investigate any report from a State-operated facility  
17 indicating a possible murder, sexual assault, or other felony  
18 by an employee. All investigations conducted by the Inspector  
19 General shall be conducted in a manner designed to ensure the  
20 preservation of evidence for possible use in a criminal  
21 prosecution.

22 (m) Investigative reports. Upon completion of an  
23 investigation, the Office of Inspector General shall issue an  
24 investigative report identifying whether the allegations are  
25 substantiated, unsubstantiated, or unfounded. Within 10  
26 business days after the transmittal of a completed

1 investigative report substantiating an allegation, or if a  
2 recommendation is made, the Inspector General shall provide the  
3 investigative report on the case to the Secretary and to the  
4 director of the facility or agency where any one or more of the  
5 following occurred: mental abuse, physical abuse, sexual  
6 abuse, neglect, egregious neglect, or financial exploitation.  
7 In a substantiated case, the investigative report shall include  
8 any mitigating or aggravating circumstances that were  
9 identified during the investigation. If the case involves  
10 substantiated neglect, the investigative report shall also  
11 state whether egregious neglect was found. An investigative  
12 report may also set forth recommendations. All investigative  
13 reports prepared by the Office of the Inspector General shall  
14 be considered confidential and shall not be released except as  
15 provided by the law of this State or as required under  
16 applicable federal law. Unsubstantiated and unfounded reports  
17 shall not be disclosed except as allowed under Section 6 of the  
18 Abused and Neglected Long Term Care Facility Residents  
19 Reporting Act. Raw data used to compile the investigative  
20 report shall not be subject to release unless required by law  
21 or a court order. "Raw data used to compile the investigative  
22 report" includes, but is not limited to, any one or more of the  
23 following: the initial complaint, witness statements,  
24 photographs, investigator's notes, police reports, or incident  
25 reports. If the allegations are substantiated, the accused  
26 shall be provided with a redacted copy of the investigative

1 report. Death reports where there was no allegation of abuse or  
2 neglect shall only be released pursuant to applicable State or  
3 federal law or a valid court order.

4 (n) Written responses and reconsideration requests.

5 (1) Written responses. Within 30 calendar days from  
6 receipt of a substantiated investigative report or an  
7 investigative report which contains recommendations,  
8 absent a reconsideration request, the facility or agency  
9 shall file a written response that addresses, in a concise  
10 and reasoned manner, the actions taken to: (i) protect the  
11 individual; (ii) prevent recurrences; and (iii) eliminate  
12 the problems identified. The response shall include the  
13 implementation and completion dates of such actions. If the  
14 written response is not filed within the allotted 30  
15 calendar day period, the Secretary shall determine the  
16 appropriate corrective action to be taken.

17 (2) Reconsideration requests. The facility, agency,  
18 victim or guardian, or the subject employee may request  
19 that the Office of Inspector General reconsider or clarify  
20 its finding based upon additional information.

21 (o) Disclosure of the finding by the Inspector General. The  
22 Inspector General shall disclose the finding of an  
23 investigation to the following persons: (i) the Governor, (ii)  
24 the Secretary, (iii) the director of the facility or agency,  
25 (iv) the alleged victims and their guardians, (v) the  
26 complainant, and (vi) the accused. This information shall

1 include whether the allegations were deemed substantiated,  
2 unsubstantiated, or unfounded.

3 (p) Secretary review. Upon review of the Inspector  
4 General's investigative report and any agency's or facility's  
5 written response, the Secretary shall accept or reject the  
6 written response and notify the Inspector General of that  
7 determination. The Secretary may further direct that other  
8 administrative action be taken, including, but not limited to,  
9 any one or more of the following: (i) additional site visits,  
10 (ii) training, (iii) provision of technical assistance  
11 relative to administrative needs, licensure or certification,  
12 or (iv) the imposition of appropriate sanctions.

13 (q) Action by facility or agency. Within 30 days of the  
14 date the Secretary approves the written response or directs  
15 that further administrative action be taken, the facility or  
16 agency shall provide an implementation report to the Inspector  
17 General that provides the status of the action taken. The  
18 facility or agency shall be allowed an additional 30 days to  
19 send notice of completion of the action or to send an updated  
20 implementation report. If the action has not been completed  
21 within the additional 30 day period, the facility or agency  
22 shall send updated implementation reports every 60 days until  
23 completion. The Inspector General shall conduct a review of any  
24 implementation plan that takes more than 120 days after  
25 approval to complete, and shall monitor compliance through a  
26 random review of approved written responses, which may include,

1 but are not limited to: (i) site visits, (ii) telephone  
2 contact, and (iii) requests for additional documentation  
3 evidencing compliance.

4 (r) Sanctions. Sanctions, if imposed by the Secretary under  
5 Subdivision (p)(iv) of this Section, shall be designed to  
6 prevent further acts of mental abuse, physical abuse, sexual  
7 abuse, neglect, egregious neglect, or financial exploitation  
8 or some combination of one or more of those acts at a facility  
9 or agency, and may include any one or more of the following:

10 (1) Appointment of on-site monitors.

11 (2) Transfer or relocation of an individual or  
12 individuals.

13 (3) Closure of units.

14 (4) Termination of any one or more of the following:

15 (i) Department licensing, (ii) funding, or (iii)  
16 certification.

17 The Inspector General may seek the assistance of the  
18 Illinois Attorney General or the office of any State's Attorney  
19 in implementing sanctions.

20 (s) Health care worker registry.

21 (1) Reporting to the registry. The Inspector General  
22 shall report to the Department of Public Health's health  
23 care worker registry, a public registry, the identity and  
24 finding of each employee of a facility or agency against  
25 whom there is a final investigative report containing a  
26 substantiated allegation of physical or sexual abuse or

1           egregious neglect of an individual.

2           (2) Notice to employee. Prior to reporting the name of  
3           an employee, the employee shall be notified of the  
4           Department's obligation to report and shall be granted an  
5           opportunity to request an administrative hearing, the sole  
6           purpose of which is to determine if the substantiated  
7           finding warrants reporting to the registry. Notice to the  
8           employee shall contain a clear and concise statement of the  
9           grounds on which the report to the registry is based, offer  
10          the employee an opportunity for a hearing, and identify the  
11          process for requesting such a hearing. Notice is sufficient  
12          if provided by certified mail to the employee's last known  
13          address. If the employee fails to request a hearing within  
14          30 days from the date of the notice, the Inspector General  
15          shall report the name of the employee to the registry.  
16          Nothing in this subdivision (s) (2) shall diminish or impair  
17          the rights of a person who is a member of a collective  
18          bargaining unit under the Illinois Public Labor Relations  
19          Act or under any other federal labor statute.

20          (3) Registry hearings. If the employee requests an  
21          administrative hearing, the employee shall be granted an  
22          opportunity to appear before an administrative law judge to  
23          present reasons why the employee's name should not be  
24          reported to the registry. The Department shall bear the  
25          burden of presenting evidence that establishes, by a  
26          preponderance of the evidence, that the substantiated

1 finding warrants reporting to the registry. After  
2 considering all the evidence presented, the administrative  
3 law judge shall make a recommendation to the Secretary as  
4 to whether the substantiated finding warrants reporting  
5 the name of the employee to the registry. The Secretary  
6 shall render the final decision. The Department and the  
7 employee shall have the right to request that the  
8 administrative law judge consider a stipulated disposition  
9 of these proceedings.

10 (4) Testimony at registry hearings. A person who makes  
11 a report or who investigates a report under this Act shall  
12 testify fully in any judicial proceeding resulting from  
13 such a report, as to any evidence of abuse or neglect, or  
14 the cause thereof. No evidence shall be excluded by reason  
15 of any common law or statutory privilege relating to  
16 communications between the alleged perpetrator of abuse or  
17 neglect, or the individual alleged as the victim in the  
18 report, and the person making or investigating the report.  
19 Testimony at hearings is exempt from the confidentiality  
20 requirements of subsection (f) of Section 10 of the Mental  
21 Health and Developmental Disabilities Confidentiality Act.

22 (5) Employee's rights to collateral action. No  
23 reporting to the registry shall occur and no hearing shall  
24 be set or proceed if an employee notifies the Inspector  
25 General in writing, including any supporting  
26 documentation, that he or she is formally contesting an

1 adverse employment action resulting from a substantiated  
2 finding by complaint filed with the Illinois Civil Service  
3 Commission, or which otherwise seeks to enforce the  
4 employee's rights pursuant to any applicable collective  
5 bargaining agreement. If an action taken by an employer  
6 against an employee as a result of a finding of physical  
7 abuse, sexual abuse, or egregious neglect is overturned  
8 through an action filed with the Illinois Civil Service  
9 Commission or under any applicable collective bargaining  
10 agreement and if that employee's name has already been sent  
11 to the registry, the employee's name shall be removed from  
12 the registry.

13 (6) Removal from registry. At any time after the report  
14 to the registry, but no more than once in any 12-month  
15 period, an employee may petition the Department in writing  
16 to remove his or her name from the registry. Upon receiving  
17 notice of such request, the Inspector General shall conduct  
18 an investigation into the petition. Upon receipt of such  
19 request, an administrative hearing will be set by the  
20 Department. At the hearing, the employee shall bear the  
21 burden of presenting evidence that establishes, by a  
22 preponderance of the evidence, that removal of the name  
23 from the registry is in the public interest. The parties  
24 may jointly request that the administrative law judge  
25 consider a stipulated disposition of these proceedings.

26 (t) Review of Administrative Decisions. The Department

1 shall preserve a record of all proceedings at any formal  
2 hearing conducted by the Department involving health care  
3 worker registry hearings. Final administrative decisions of  
4 the Department are subject to judicial review pursuant to  
5 provisions of the Administrative Review Law.

6 (u) Quality Care Board. There is created, within the Office  
7 of the Inspector General, a Quality Care Board to be composed  
8 of 7 members appointed by the Governor with the advice and  
9 consent of the Senate. One of the members shall be designated  
10 as chairman by the Governor. Of the initial appointments made  
11 by the Governor, 4 Board members shall each be appointed for a  
12 term of 4 years and 3 members shall each be appointed for a  
13 term of 2 years. Upon the expiration of each member's term, a  
14 successor shall be appointed for a term of 4 years. In the case  
15 of a vacancy in the office of any member, the Governor shall  
16 appoint a successor for the remainder of the unexpired term.

17 Members appointed by the Governor shall be qualified by  
18 professional knowledge or experience in the area of law,  
19 investigatory techniques, or in the area of care of the  
20 mentally ill or developmentally disabled. Two members  
21 appointed by the Governor shall be persons with a disability or  
22 a parent of a person with a disability. Members shall serve  
23 without compensation, but shall be reimbursed for expenses  
24 incurred in connection with the performance of their duties as  
25 members.

26 The Board shall meet quarterly, and may hold other meetings

1 on the call of the chairman. Four members shall constitute a  
2 quorum allowing the Board to conduct its business. The Board  
3 may adopt rules and regulations it deems necessary to govern  
4 its own procedures.

5 The Board shall monitor and oversee the operations,  
6 policies, and procedures of the Inspector General to ensure the  
7 prompt and thorough investigation of allegations of neglect and  
8 abuse. In fulfilling these responsibilities, the Board may do  
9 the following:

10 (1) Provide independent, expert consultation to the  
11 Inspector General on policies and protocols for  
12 investigations of alleged abuse, neglect, or both abuse and  
13 neglect.

14 (2) Review existing regulations relating to the  
15 operation of facilities.

16 (3) Advise the Inspector General as to the content of  
17 training activities authorized under this Section.

18 (4) Recommend policies concerning methods for  
19 improving the intergovernmental relationships between the  
20 Office of the Inspector General and other State or federal  
21 offices.

22 (v) Annual report. The Inspector General shall provide to  
23 the General Assembly and the Governor, no later than January 1  
24 of each year, a summary of reports and investigations made  
25 under this Act for the prior fiscal year with respect to  
26 individuals receiving mental health or developmental

1 disabilities services. The report shall detail the imposition  
2 of sanctions, if any, and the final disposition of any  
3 corrective or administrative action directed by the Secretary.  
4 The summaries shall not contain any confidential or identifying  
5 information of any individual, but shall include objective data  
6 identifying any trends in the number of reported allegations,  
7 the timeliness of the Office of the Inspector General's  
8 investigations, and their disposition, for each facility and  
9 Department-wide, for the most recent 3-year time period. The  
10 report shall also identify, by facility, the staff-to-patient  
11 ratios taking account of direct care staff only. The report  
12 shall also include detailed recommended administrative actions  
13 and matters for consideration by the General Assembly.

14 (w) Program audit. The Auditor General shall conduct a  
15 program audit of the Office of the Inspector General on an  
16 as-needed basis, as determined by the Auditor General. The  
17 audit shall specifically include the Inspector General's  
18 compliance with the Act and effectiveness in investigating  
19 reports of allegations occurring in any facility or agency. The  
20 Auditor General shall conduct the program audit according to  
21 the provisions of the Illinois State Auditing Act and shall  
22 report its findings to the General Assembly no later than  
23 January 1 following the audit period.

24 (x) Nothing in this Section shall be construed to mean that  
25 a patient is a victim of abuse or neglect because of health  
26 care services appropriately provided or not provided by health

1 care professionals.

2 (y) Nothing in this Section shall require a facility,  
3 including its employees, agents, medical staff members, and  
4 health care professionals, to provide a service to a patient in  
5 contravention of that patient's stated or implied objection to  
6 the provision of that service on the ground that that service  
7 conflicts with the patient's religious beliefs or practices,  
8 nor shall the failure to provide a service to a patient be  
9 considered abuse under this Section if the patient has objected  
10 to the provision of that service based on his or her religious  
11 beliefs or practices.

12 (Source: P.A. 95-545, eff. 8-28-07; 96-407, eff. 8-13-09;  
13 96-555, eff. 8-18-09; revised 9-25-09.)

14 (Text of Section after amendment by P.A. 96-339)

15 Sec. 1-17. Inspector General.

16 (a) Nature and purpose. It is the express intent of the  
17 General Assembly to ensure the health, safety, and financial  
18 condition of individuals receiving services in this State due  
19 to mental illness, developmental disability, or both by  
20 protecting those persons from acts of abuse, neglect, or both  
21 by service providers. To that end, the Office of the Inspector  
22 General for the Department of Human Services is created to  
23 investigate and report upon allegations of the abuse, neglect,  
24 or financial exploitation of individuals receiving services  
25 within mental health facilities, developmental disabilities

1 facilities, and community agencies operated, licensed, funded  
2 or certified by the Department of Human Services, but not  
3 licensed or certified by any other State agency. It is also the  
4 express intent of the General Assembly to authorize the  
5 Inspector General to investigate alleged or suspected cases of  
6 abuse, neglect, or financial exploitation of adults with  
7 disabilities living in domestic settings in the community under  
8 the Abuse of Adults with Disabilities Intervention Act.

9 (b) Definitions. The following definitions apply to this  
10 Section:

11 "Agency" or "community agency" means (i) a community agency  
12 licensed, funded, or certified by the Department, but not  
13 licensed or certified by any other human services agency of the  
14 State, to provide mental health service or developmental  
15 disabilities service, or (ii) a program licensed, funded, or  
16 certified by the Department, but not licensed or certified by  
17 any other human services agency of the State, to provide mental  
18 health service or developmental disabilities service.

19 "Aggravating circumstance" means a factor that is  
20 attendant to a finding and that tends to compound or increase  
21 the culpability of the accused.

22 "Allegation" means an assertion, complaint, suspicion, or  
23 incident involving any of the following conduct by an employee,  
24 facility, or agency against an individual or individuals:  
25 mental abuse, physical abuse, sexual abuse, neglect, or  
26 financial exploitation.

1 "Day" means working day, unless otherwise specified.

2 "Deflection" means a situation in which an individual is  
3 presented for admission to a facility or agency, and the  
4 facility staff or agency staff do not admit the individual.  
5 "Deflection" includes triage, redirection, and denial of  
6 admission.

7 "Department" means the Department of Human Services.

8 "Developmentally disabled" means having a developmental  
9 disability.

10 "Developmental disability" means "developmental  
11 disability" as defined in the Mental Health and Developmental  
12 Disabilities Code.

13 "Egregious neglect" means a finding of neglect as  
14 determined by the Inspector General that (i) represents a gross  
15 failure to adequately provide for, or a callused indifference  
16 to, the health, safety, or medical needs of an individual and  
17 (ii) results in an individual's death or other serious  
18 deterioration of an individual's physical condition or mental  
19 condition.

20 "Employee" means any person who provides services at the  
21 facility or agency on-site or off-site. The service  
22 relationship can be with the individual or with the facility or  
23 agency. Also, "employee" includes any employee or contractual  
24 agent of the Department of Human Services or the community  
25 agency involved in providing or monitoring or administering  
26 mental health or developmental disability services. This

1 includes but is not limited to: owners, operators, payroll  
2 personnel, contractors, subcontractors, and volunteers.

3 "Facility" or "State-operated facility" means a mental  
4 health facility or developmental disabilities facility  
5 operated by the Department.

6 "Financial exploitation" means taking unjust advantage of  
7 an individual's assets, property, or financial resources  
8 through deception, intimidation, or conversion for the  
9 employee's, facility's, or agency's own advantage or benefit.

10 "Finding" means the Office of Inspector General's  
11 determination regarding whether an allegation is  
12 substantiated, unsubstantiated, or unfounded.

13 "Health care worker registry" or "registry" means the  
14 health care worker registry created by the Nursing Home Care  
15 Act.

16 "Individual" means any person receiving mental health  
17 service, developmental disabilities service, or both from a  
18 facility or agency, while either on-site or off-site.

19 "Mental abuse" means the use of demeaning, intimidating, or  
20 threatening words, signs, gestures, or other actions by an  
21 employee about an individual and in the presence of an  
22 individual or individuals that results in emotional distress or  
23 maladaptive behavior, or could have resulted in emotional  
24 distress or maladaptive behavior, for any individual present.

25 "Mental illness" means "mental illness" as defined in the  
26 Mental Health and Developmental Disabilities Code.

1 "Mentally ill" means having a mental illness.

2 "Mitigating circumstance" means a condition that (i) is  
3 attendant to a finding, (ii) does not excuse or justify the  
4 conduct in question, but (iii) may be considered in evaluating  
5 the severity of the conduct, the culpability of the accused, or  
6 both the severity of the conduct and the culpability of the  
7 accused.

8 "Neglect" means an employee's, agency's, or facility's  
9 failure to provide adequate medical care, personal care, or  
10 maintenance and that, as a consequence, (i) causes an  
11 individual pain, injury, or emotional distress, (ii) results in  
12 either an individual's maladaptive behavior or the  
13 deterioration of an individual's physical condition or mental  
14 condition, or (iii) places the individual's health or safety at  
15 substantial risk.

16 "Physical abuse" means an employee's non-accidental and  
17 inappropriate contact with an individual that causes bodily  
18 harm. "Physical abuse" includes actions that cause bodily harm  
19 as a result of an employee directing an individual or person to  
20 physically abuse another individual.

21 "Recommendation" means an admonition, separate from a  
22 finding, that requires action by the facility, agency, or  
23 Department to correct a systemic issue, problem, or deficiency  
24 identified during an investigation.

25 "Required reporter" means any employee who suspects,  
26 witnesses, or is informed of an allegation of any one or more

1 of the following: mental abuse, physical abuse, sexual abuse,  
2 neglect, or financial exploitation.

3 "Secretary" means the Chief Administrative Officer of the  
4 Department.

5 "Sexual abuse" means any sexual contact or intimate  
6 physical contact between an employee and an individual,  
7 including an employee's coercion or encouragement of an  
8 individual to engage in sexual behavior that results in sexual  
9 contact, intimate physical contact, sexual behavior, or  
10 intimate physical behavior.

11 "Substantiated" means there is a preponderance of the  
12 evidence to support the allegation.

13 "Unfounded" means there is no credible evidence to support  
14 the allegation.

15 "Unsubstantiated" means there is credible evidence, but  
16 less than a preponderance of evidence to support the  
17 allegation.

18 (c) Appointment. The Governor shall appoint, and the Senate  
19 shall confirm, an Inspector General. The Inspector General  
20 shall be appointed for a term of 4 years and shall function  
21 within the Department of Human Services and report to the  
22 Secretary and the Governor.

23 (d) Operation and appropriation. The Inspector General  
24 shall function independently within the Department with  
25 respect to the operations of the Office, including the  
26 performance of investigations and issuance of findings and

1 recommendations. The appropriation for the Office of Inspector  
2 General shall be separate from the overall appropriation for  
3 the Department.

4 (e) Powers and duties. The Inspector General shall  
5 investigate reports of suspected mental abuse, physical abuse,  
6 sexual abuse, neglect, or financial exploitation of  
7 individuals in any mental health or developmental disabilities  
8 facility or agency and shall have authority to take immediate  
9 action to prevent any one or more of the following from  
10 happening to individuals under its jurisdiction: mental abuse,  
11 physical abuse, sexual abuse, neglect, or financial  
12 exploitation. Upon written request of an agency of this State,  
13 the Inspector General may assist another agency of the State in  
14 investigating reports of the abuse, neglect, or abuse and  
15 neglect of persons with mental illness, persons with  
16 developmental disabilities, or persons with both. To comply  
17 with the requirements of subsection (k) of this Section, the  
18 Inspector General shall also review all reportable deaths for  
19 which there is no allegation of abuse or neglect. Nothing in  
20 this Section shall preempt any duties of the Medical Review  
21 Board set forth in the Mental Health and Developmental  
22 Disabilities Code. The Inspector General shall have no  
23 authority to investigate alleged violations of the State  
24 Officials and Employees Ethics Act. Allegations of misconduct  
25 under the State Officials and Employees Ethics Act shall be  
26 referred to the Office of the Governor's Executive Inspector

1 General for investigation.

2 (f) Limitations. The Inspector General shall not conduct an  
3 investigation within an agency or facility if that  
4 investigation would be redundant to or interfere with an  
5 investigation conducted by another State agency. The Inspector  
6 General shall have no supervision over, or involvement in, the  
7 routine programmatic, licensing, funding, or certification  
8 operations of the Department. Nothing in this subsection limits  
9 investigations by the Department that may otherwise be required  
10 by law or that may be necessary in the Department's capacity as  
11 central administrative authority responsible for the operation  
12 of the State's mental health and developmental disabilities  
13 facilities.

14 (g) Rulemaking authority. The Inspector General shall  
15 promulgate rules establishing minimum requirements for  
16 reporting allegations as well as for initiating, conducting,  
17 and completing investigations based upon the nature of the  
18 allegation or allegations. The rules shall clearly establish  
19 that if 2 or more State agencies could investigate an  
20 allegation, the Inspector General shall not conduct an  
21 investigation that would be redundant to, or interfere with, an  
22 investigation conducted by another State agency. The rules  
23 shall further clarify the method and circumstances under which  
24 the Office of Inspector General may interact with the  
25 licensing, funding, or certification units of the Department in  
26 preventing further occurrences of mental abuse, physical

1 abuse, sexual abuse, neglect, egregious neglect, and financial  
2 exploitation.

3 (h) Training programs. The Inspector General shall (i)  
4 establish a comprehensive program to ensure that every person  
5 authorized to conduct investigations receives ongoing training  
6 relative to investigation techniques, communication skills,  
7 and the appropriate means of interacting with persons receiving  
8 treatment for mental illness, developmental disability, or  
9 both mental illness and developmental disability, and (ii)  
10 establish and conduct periodic training programs for facility  
11 and agency employees concerning the prevention and reporting of  
12 any one or more of the following: mental abuse, physical abuse,  
13 sexual abuse, neglect, egregious neglect, or financial  
14 exploitation. Nothing in this Section shall be deemed to  
15 prevent the Office of Inspector General from conducting any  
16 other training as determined by the Inspector General to be  
17 necessary or helpful.

18 (i) Duty to cooperate.

19 (1) The Inspector General shall at all times be granted  
20 access to any facility or agency for the purpose of  
21 investigating any allegation, conducting unannounced site  
22 visits, monitoring compliance with a written response, or  
23 completing any other statutorily assigned duty. The  
24 Inspector General shall conduct unannounced site visits to  
25 each facility at least annually for the purpose of  
26 reviewing and making recommendations on systemic issues

1 relative to preventing, reporting, investigating, and  
2 responding to all of the following: mental abuse, physical  
3 abuse, sexual abuse, neglect, egregious neglect, or  
4 financial exploitation.

5 (2) Any employee who fails to cooperate with an Office  
6 of the Inspector General investigation is in violation of  
7 this Act. Failure to cooperate with an investigation  
8 includes, but is not limited to, any one or more of the  
9 following: (i) creating and transmitting a false report to  
10 the Office of the Inspector General hotline, (ii) providing  
11 false information to an Office of the Inspector General  
12 Investigator during an investigation, (iii) colluding with  
13 other employees to cover up evidence, (iv) colluding with  
14 other employees to provide false information to an Office  
15 of the Inspector General investigator, (v) destroying  
16 evidence, (vi) withholding evidence, or (vii) otherwise  
17 obstructing an Office of the Inspector General  
18 investigation. Additionally, any employee who, during an  
19 unannounced site visit or written response compliance  
20 check, fails to cooperate with requests from the Office of  
21 the Inspector General is in violation of this Act.

22 (j) Subpoena powers. The Inspector General shall have the  
23 power to subpoena witnesses and compel the production of all  
24 documents and physical evidence relating to his or her  
25 investigations and any hearings authorized by this Act. This  
26 subpoena power shall not extend to persons or documents of a

1 labor organization or its representatives insofar as the  
2 persons are acting in a representative capacity to an employee  
3 whose conduct is the subject of an investigation or the  
4 documents relate to that representation. Any person who  
5 otherwise fails to respond to a subpoena or who knowingly  
6 provides false information to the Office of the Inspector  
7 General by subpoena during an investigation is guilty of a  
8 Class A misdemeanor.

9 (k) Reporting allegations and deaths.

10 (1) Allegations. If an employee witnesses, is told of,  
11 or has reason to believe an incident of mental abuse,  
12 physical abuse, sexual abuse, neglect, or financial  
13 exploitation has occurred, the employee, agency, or  
14 facility shall report the allegation by phone to the Office  
15 of the Inspector General hotline according to the agency's  
16 or facility's procedures, but in no event later than 4  
17 hours after the initial discovery of the incident,  
18 allegation, or suspicion of any one or more of the  
19 following: mental abuse, physical abuse, sexual abuse,  
20 neglect, or financial exploitation. A required reporter as  
21 defined in subsection (b) of this Section who knowingly or  
22 intentionally fails to comply with these reporting  
23 requirements is guilty of a Class A misdemeanor.

24 (2) Deaths. Absent an allegation, a required reporter  
25 shall, within 24 hours after initial discovery, report by  
26 phone to the Office of the Inspector General hotline each

1 of the following:

2 (i) Any death of an individual occurring within 14  
3 calendar days after discharge or transfer of the  
4 individual from a residential program or facility.

5 (ii) Any death of an individual occurring within 24  
6 hours after deflection from a residential program or  
7 facility.

8 (iii) Any other death of an individual occurring at  
9 an agency or facility or at any Department-funded site.

10 (3) Retaliation. It is a violation of this Act for any  
11 employee or administrator of an agency or facility to take  
12 retaliatory action against an employee who acts in good  
13 faith in conformance with his or her duties as a required  
14 reporter.

15 (1) Reporting criminal acts. Within 24 hours after  
16 determining that there is credible evidence indicating that a  
17 criminal act may have been committed or that special expertise  
18 may be required in an investigation, the Inspector General  
19 shall notify the Department of State Police or other  
20 appropriate law enforcement authority, or ensure that such  
21 notification is made. The Department of State Police shall  
22 investigate any report from a State-operated facility  
23 indicating a possible murder, sexual assault, or other felony  
24 by an employee. All investigations conducted by the Inspector  
25 General shall be conducted in a manner designed to ensure the  
26 preservation of evidence for possible use in a criminal

1 prosecution.

2 (m) Investigative reports. Upon completion of an  
3 investigation, the Office of Inspector General shall issue an  
4 investigative report identifying whether the allegations are  
5 substantiated, unsubstantiated, or unfounded. Within 10  
6 business days after the transmittal of a completed  
7 investigative report substantiating an allegation, or if a  
8 recommendation is made, the Inspector General shall provide the  
9 investigative report on the case to the Secretary and to the  
10 director of the facility or agency where any one or more of the  
11 following occurred: mental abuse, physical abuse, sexual  
12 abuse, neglect, egregious neglect, or financial exploitation.  
13 In a substantiated case, the investigative report shall include  
14 any mitigating or aggravating circumstances that were  
15 identified during the investigation. If the case involves  
16 substantiated neglect, the investigative report shall also  
17 state whether egregious neglect was found. An investigative  
18 report may also set forth recommendations. All investigative  
19 reports prepared by the Office of the Inspector General shall  
20 be considered confidential and shall not be released except as  
21 provided by the law of this State or as required under  
22 applicable federal law. Unsubstantiated and unfounded reports  
23 shall not be disclosed except as allowed under Section 6 of the  
24 Abused and Neglected Long Term Care Facility Residents  
25 Reporting Act. Raw data used to compile the investigative  
26 report shall not be subject to release unless required by law

1 or a court order. "Raw data used to compile the investigative  
2 report" includes, but is not limited to, any one or more of the  
3 following: the initial complaint, witness statements,  
4 photographs, investigator's notes, police reports, or incident  
5 reports. If the allegations are substantiated, the accused  
6 shall be provided with a redacted copy of the investigative  
7 report. Death reports where there was no allegation of abuse or  
8 neglect shall only be released pursuant to applicable State or  
9 federal law or a valid court order.

10 (n) Written responses and reconsideration requests.

11 (1) Written responses. Within 30 calendar days from  
12 receipt of a substantiated investigative report or an  
13 investigative report which contains recommendations,  
14 absent a reconsideration request, the facility or agency  
15 shall file a written response that addresses, in a concise  
16 and reasoned manner, the actions taken to: (i) protect the  
17 individual; (ii) prevent recurrences; and (iii) eliminate  
18 the problems identified. The response shall include the  
19 implementation and completion dates of such actions. If the  
20 written response is not filed within the allotted 30  
21 calendar day period, the Secretary shall determine the  
22 appropriate corrective action to be taken.

23 (2) Reconsideration requests. The facility, agency,  
24 victim or guardian, or the subject employee may request  
25 that the Office of Inspector General reconsider or clarify  
26 its finding based upon additional information.

1           (o) Disclosure of the finding by the Inspector General. The  
2 Inspector General shall disclose the finding of an  
3 investigation to the following persons: (i) the Governor, (ii)  
4 the Secretary, (iii) the director of the facility or agency,  
5 (iv) the alleged victims and their guardians, (v) the  
6 complainant, and (vi) the accused. This information shall  
7 include whether the allegations were deemed substantiated,  
8 unsubstantiated, or unfounded.

9           (p) Secretary review. Upon review of the Inspector  
10 General's investigative report and any agency's or facility's  
11 written response, the Secretary shall accept or reject the  
12 written response and notify the Inspector General of that  
13 determination. The Secretary may further direct that other  
14 administrative action be taken, including, but not limited to,  
15 any one or more of the following: (i) additional site visits,  
16 (ii) training, (iii) provision of technical assistance  
17 relative to administrative needs, licensure or certification,  
18 or (iv) the imposition of appropriate sanctions.

19           (q) Action by facility or agency. Within 30 days of the  
20 date the Secretary approves the written response or directs  
21 that further administrative action be taken, the facility or  
22 agency shall provide an implementation report to the Inspector  
23 General that provides the status of the action taken. The  
24 facility or agency shall be allowed an additional 30 days to  
25 send notice of completion of the action or to send an updated  
26 implementation report. If the action has not been completed

1 within the additional 30 day period, the facility or agency  
2 shall send updated implementation reports every 60 days until  
3 completion. The Inspector General shall conduct a review of any  
4 implementation plan that takes more than 120 days after  
5 approval to complete, and shall monitor compliance through a  
6 random review of approved written responses, which may include,  
7 but are not limited to: (i) site visits, (ii) telephone  
8 contact, and (iii) requests for additional documentation  
9 evidencing compliance.

10 (r) Sanctions. Sanctions, if imposed by the Secretary under  
11 Subdivision (p)(iv) of this Section, shall be designed to  
12 prevent further acts of mental abuse, physical abuse, sexual  
13 abuse, neglect, egregious neglect, or financial exploitation  
14 or some combination of one or more of those acts at a facility  
15 or agency, and may include any one or more of the following:

16 (1) Appointment of on-site monitors.

17 (2) Transfer or relocation of an individual or  
18 individuals.

19 (3) Closure of units.

20 (4) Termination of any one or more of the following:

21 (i) Department licensing, (ii) funding, or (iii)  
22 certification.

23 The Inspector General may seek the assistance of the  
24 Illinois Attorney General or the office of any State's Attorney  
25 in implementing sanctions.

26 (s) Health care worker registry.

1           (1) Reporting to the registry. The Inspector General  
2 shall report to the Department of Public Health's health  
3 care worker registry, a public registry, ~~MR/DD Community~~  
4 ~~Care Act~~ the identity and finding of each employee of a  
5 facility or agency against whom there is a final  
6 investigative report containing a substantiated allegation  
7 of physical or sexual abuse or egregious neglect of an  
8 individual. ~~MR/DD Community Care Act~~

9           (2) Notice to employee. Prior to reporting the name of  
10 an employee, the employee shall be notified of the  
11 Department's obligation to report and shall be granted an  
12 opportunity to request an administrative hearing, the sole  
13 purpose of which is to determine if the substantiated  
14 finding warrants reporting to the registry. Notice to the  
15 employee shall contain a clear and concise statement of the  
16 grounds on which the report to the registry is based, offer  
17 the employee an opportunity for a hearing, and identify the  
18 process for requesting such a hearing. Notice is sufficient  
19 if provided by certified mail to the employee's last known  
20 address. If the employee fails to request a hearing within  
21 30 days from the date of the notice, the Inspector General  
22 shall report the name of the employee to the registry.  
23 Nothing in this subdivision (s) (2) shall diminish or impair  
24 the rights of a person who is a member of a collective  
25 bargaining unit under the Illinois Public Labor Relations  
26 Act or under any other federal labor statute.

1           (3) Registry hearings. If the employee requests an  
2 administrative hearing, the employee shall be granted an  
3 opportunity to appear before an administrative law judge to  
4 present reasons why the employee's name should not be  
5 reported to the registry. The Department shall bear the  
6 burden of presenting evidence that establishes, by a  
7 preponderance of the evidence, that the substantiated  
8 finding warrants reporting to the registry. After  
9 considering all the evidence presented, the administrative  
10 law judge shall make a recommendation to the Secretary as  
11 to whether the substantiated finding warrants reporting  
12 the name of the employee to the registry. The Secretary  
13 shall render the final decision. The Department and the  
14 employee shall have the right to request that the  
15 administrative law judge consider a stipulated disposition  
16 of these proceedings.

17           (4) Testimony at registry hearings. A person who makes  
18 a report or who investigates a report under this Act shall  
19 testify fully in any judicial proceeding resulting from  
20 such a report, as to any evidence of abuse or neglect, or  
21 the cause thereof. No evidence shall be excluded by reason  
22 of any common law or statutory privilege relating to  
23 communications between the alleged perpetrator of abuse or  
24 neglect, or the individual alleged as the victim in the  
25 report, and the person making or investigating the report.  
26 Testimony at hearings is exempt from the confidentiality

1 requirements of subsection (f) of Section 10 of the Mental  
2 Health and Developmental Disabilities Confidentiality Act.

3 (5) Employee's rights to collateral action. No  
4 reporting to the registry shall occur and no hearing shall  
5 be set or proceed if an employee notifies the Inspector  
6 General in writing, including any supporting  
7 documentation, that he or she is formally contesting an  
8 adverse employment action resulting from a substantiated  
9 finding by complaint filed with the Illinois Civil Service  
10 Commission, or which otherwise seeks to enforce the  
11 employee's rights pursuant to any applicable collective  
12 bargaining agreement. If an action taken by an employer  
13 against an employee as a result of a finding of physical  
14 abuse, sexual abuse, or egregious neglect is overturned  
15 through an action filed with the Illinois Civil Service  
16 Commission or under any applicable collective bargaining  
17 agreement and if that employee's name has already been sent  
18 to the registry, the employee's name shall be removed from  
19 the registry.

20 (6) Removal from registry. At any time after the report  
21 to the registry, but no more than once in any 12-month  
22 period, an employee may petition the Department in writing  
23 to remove his or her name from the registry. Upon receiving  
24 notice of such request, the Inspector General shall conduct  
25 an investigation into the petition. Upon receipt of such  
26 request, an administrative hearing will be set by the

1 Department. At the hearing, the employee shall bear the  
2 burden of presenting evidence that establishes, by a  
3 preponderance of the evidence, that removal of the name  
4 from the registry is in the public interest. The parties  
5 may jointly request that the administrative law judge  
6 consider a stipulated disposition of these proceedings.

7 (t) Review of Administrative Decisions. The Department  
8 shall preserve a record of all proceedings at any formal  
9 hearing conducted by the Department involving health care  
10 worker registry hearings. Final administrative decisions of  
11 the Department are subject to judicial review pursuant to  
12 provisions of the Administrative Review Law.

13 (u) Quality Care Board. There is created, within the Office  
14 of the Inspector General, a Quality Care Board to be composed  
15 of 7 members appointed by the Governor with the advice and  
16 consent of the Senate. One of the members shall be designated  
17 as chairman by the Governor. Of the initial appointments made  
18 by the Governor, 4 Board members shall each be appointed for a  
19 term of 4 years and 3 members shall each be appointed for a  
20 term of 2 years. Upon the expiration of each member's term, a  
21 successor shall be appointed for a term of 4 years. In the case  
22 of a vacancy in the office of any member, the Governor shall  
23 appoint a successor for the remainder of the unexpired term.

24 Members appointed by the Governor shall be qualified by  
25 professional knowledge or experience in the area of law,  
26 investigatory techniques, or in the area of care of the

1 mentally ill or developmentally disabled. Two members  
2 appointed by the Governor shall be persons with a disability or  
3 a parent of a person with a disability. Members shall serve  
4 without compensation, but shall be reimbursed for expenses  
5 incurred in connection with the performance of their duties as  
6 members.

7 The Board shall meet quarterly, and may hold other meetings  
8 on the call of the chairman. Four members shall constitute a  
9 quorum allowing the Board to conduct its business. The Board  
10 may adopt rules and regulations it deems necessary to govern  
11 its own procedures.

12 The Board shall monitor and oversee the operations,  
13 policies, and procedures of the Inspector General to ensure the  
14 prompt and thorough investigation of allegations of neglect and  
15 abuse. In fulfilling these responsibilities, the Board may do  
16 the following:

17 (1) Provide independent, expert consultation to the  
18 Inspector General on policies and protocols for  
19 investigations of alleged abuse, neglect, or both abuse and  
20 neglect.

21 (2) Review existing regulations relating to the  
22 operation of facilities.

23 (3) Advise the Inspector General as to the content of  
24 training activities authorized under this Section.

25 (4) Recommend policies concerning methods for  
26 improving the intergovernmental relationships between the

1 Office of the Inspector General and other State or federal  
2 offices.

3 (v) Annual report. The Inspector General shall provide to  
4 the General Assembly and the Governor, no later than January 1  
5 of each year, a summary of reports and investigations made  
6 under this Act for the prior fiscal year with respect to  
7 individuals receiving mental health or developmental  
8 disabilities services. The report shall detail the imposition  
9 of sanctions, if any, and the final disposition of any  
10 corrective or administrative action directed by the Secretary.  
11 The summaries shall not contain any confidential or identifying  
12 information of any individual, but shall include objective data  
13 identifying any trends in the number of reported allegations,  
14 the timeliness of the Office of the Inspector General's  
15 investigations, and their disposition, for each facility and  
16 Department-wide, for the most recent 3-year time period. The  
17 report shall also identify, by facility, the staff-to-patient  
18 ratios taking account of direct care staff only. The report  
19 shall also include detailed recommended administrative actions  
20 and matters for consideration by the General Assembly.

21 (w) Program audit. The Auditor General shall conduct a  
22 program audit of the Office of the Inspector General on an  
23 as-needed basis, as determined by the Auditor General. The  
24 audit shall specifically include the Inspector General's  
25 compliance with the Act and effectiveness in investigating  
26 reports of allegations occurring in any facility or agency. The

1 Auditor General shall conduct the program audit according to  
2 the provisions of the Illinois State Auditing Act and shall  
3 report its findings to the General Assembly no later than  
4 January 1 following the audit period.

5 (x) Nothing in this Section shall be construed to mean that  
6 a patient is a victim of abuse or neglect because of health  
7 care services appropriately provided or not provided by health  
8 care professionals.

9 (y) Nothing in this Section shall require a facility,  
10 including its employees, agents, medical staff members, and  
11 health care professionals, to provide a service to a patient in  
12 contravention of that patient's stated or implied objection to  
13 the provision of that service on the ground that that service  
14 conflicts with the patient's religious beliefs or practices,  
15 nor shall the failure to provide a service to a patient be  
16 considered abuse under this Section if the patient has objected  
17 to the provision of that service based on his or her religious  
18 beliefs or practices.

19 (Source: P.A. 95-545, eff. 8-28-07; 96-339, eff. 7-1-10;  
20 96-407, eff. 8-13-09; 96-555, eff. 8-18-09; revised 9-25-09.)

21 Section 75. The Department of Human Services (Mental Health  
22 and Developmental Disabilities) Law of the Civil  
23 Administrative Code of Illinois is amended by changing Section  
24 1710-1 as follows:

1 (20 ILCS 1710/1710-1)

2 Sec. 1710-1. Article short title. This Article 1710 of the  
3 Civil Administrative Code of Illinois may be cited as the  
4 Department of Human Services (Mental Health and Developmental  
5 Disabilities) Law.

6 (Source: P.A. 91-239, eff. 1-1-00; revised 10-30-09.)

7 Section 80. The Department of Professional Regulation Law  
8 of the Civil Administrative Code of Illinois is amended by  
9 changing Section 2105-15 as follows:

10 (20 ILCS 2105/2105-15)

11 Sec. 2105-15. General powers and duties.

12 (a) The Department has, subject to the provisions of the  
13 Civil Administrative Code of Illinois, the following powers and  
14 duties:

15 (1) To authorize examinations in English to ascertain  
16 the qualifications and fitness of applicants to exercise  
17 the profession, trade, or occupation for which the  
18 examination is held.

19 (2) To prescribe rules and regulations for a fair and  
20 wholly impartial method of examination of candidates to  
21 exercise the respective professions, trades, or  
22 occupations.

23 (3) To pass upon the qualifications of applicants for  
24 licenses, certificates, and authorities, whether by

1 examination, by reciprocity, or by endorsement.

2 (4) To prescribe rules and regulations defining, for  
3 the respective professions, trades, and occupations, what  
4 shall constitute a school, college, or university, or  
5 department of a university, or other institution,  
6 reputable and in good standing, and to determine the  
7 reputability and good standing of a school, college, or  
8 university, or department of a university, or other  
9 institution, reputable and in good standing, by reference  
10 to a compliance with those rules and regulations; provided,  
11 that no school, college, or university, or department of a  
12 university, or other institution that refuses admittance  
13 to applicants solely on account of race, color, creed, sex,  
14 or national origin shall be considered reputable and in  
15 good standing.

16 (5) To conduct hearings on proceedings to revoke,  
17 suspend, refuse to renew, place on probationary status, or  
18 take other disciplinary action as authorized in any  
19 licensing Act administered by the Department with regard to  
20 licenses, certificates, or authorities of persons  
21 exercising the respective professions, trades, or  
22 occupations and to revoke, suspend, refuse to renew, place  
23 on probationary status, or take other disciplinary action  
24 as authorized in any licensing Act administered by the  
25 Department with regard to those licenses, certificates, or  
26 authorities. The Department shall issue a monthly

1 disciplinary report. The Department shall deny any license  
2 or renewal authorized by the Civil Administrative Code of  
3 Illinois to any person who has defaulted on an educational  
4 loan or scholarship provided by or guaranteed by the  
5 Illinois Student Assistance Commission or any governmental  
6 agency of this State; however, the Department may issue a  
7 license or renewal if the aforementioned persons have  
8 established a satisfactory repayment record as determined  
9 by the Illinois Student Assistance Commission or other  
10 appropriate governmental agency of this State.  
11 Additionally, beginning June 1, 1996, any license issued by  
12 the Department may be suspended or revoked if the  
13 Department, after the opportunity for a hearing under the  
14 appropriate licensing Act, finds that the licensee has  
15 failed to make satisfactory repayment to the Illinois  
16 Student Assistance Commission for a delinquent or  
17 defaulted loan. For the purposes of this Section,  
18 "satisfactory repayment record" shall be defined by rule.  
19 The Department shall refuse to issue or renew a license to,  
20 or shall suspend or revoke a license of, any person who,  
21 after receiving notice, fails to comply with a subpoena or  
22 warrant relating to a paternity or child support  
23 proceeding. However, the Department may issue a license or  
24 renewal upon compliance with the subpoena or warrant.

25 The Department, without further process or hearings,  
26 shall revoke, suspend, or deny any license or renewal

1 authorized by the Civil Administrative Code of Illinois to  
2 a person who is certified by the Department of Healthcare  
3 and Family Services (formerly Illinois Department of  
4 Public Aid) as being more than 30 days delinquent in  
5 complying with a child support order or who is certified by  
6 a court as being in violation of the Non-Support Punishment  
7 Act for more than 60 days. The Department may, however,  
8 issue a license or renewal if the person has established a  
9 satisfactory repayment record as determined by the  
10 Department of Healthcare and Family Services (formerly  
11 Illinois Department of Public Aid) or if the person is  
12 determined by the court to be in compliance with the  
13 Non-Support Punishment Act. The Department may implement  
14 this paragraph as added by Public Act 89-6 through the use  
15 of emergency rules in accordance with Section 5-45 of the  
16 Illinois Administrative Procedure Act. For purposes of the  
17 Illinois Administrative Procedure Act, the adoption of  
18 rules to implement this paragraph shall be considered an  
19 emergency and necessary for the public interest, safety,  
20 and welfare.

21 (6) To transfer jurisdiction of any realty under the  
22 control of the Department to any other department of the  
23 State Government or to acquire or accept federal lands when  
24 the transfer, acquisition, or acceptance is advantageous  
25 to the State and is approved in writing by the Governor.

26 (7) To formulate rules and regulations necessary for

1 the enforcement of any Act administered by the Department.

2 (8) To exchange with the Department of Healthcare and  
3 Family Services information that may be necessary for the  
4 enforcement of child support orders entered pursuant to the  
5 Illinois Public Aid Code, the Illinois Marriage and  
6 Dissolution of Marriage Act, the Non-Support of Spouse and  
7 Children Act, the Non-Support Punishment Act, the Revised  
8 Uniform Reciprocal Enforcement of Support Act, the Uniform  
9 Interstate Family Support Act, or the Illinois Parentage  
10 Act of 1984. Notwithstanding any provisions in this Code to  
11 the contrary, the Department of Professional Regulation  
12 shall not be liable under any federal or State law to any  
13 person for any disclosure of information to the Department  
14 of Healthcare and Family Services (formerly Illinois  
15 Department of Public Aid) under this paragraph (8) or for  
16 any other action taken in good faith to comply with the  
17 requirements of this paragraph (8).

18 (9) To perform other duties prescribed by law.

19 (a-5) Except in cases involving default on an educational  
20 loan or scholarship provided by or guaranteed by the Illinois  
21 Student Assistance Commission or any governmental agency of  
22 this State or in cases involving delinquency in complying with  
23 a child support order or violation of the Non-Support  
24 Punishment Act, no person or entity whose license, certificate,  
25 or authority has been revoked as authorized in any licensing  
26 Act administered by the Department may apply for restoration of

1 that license, certification, or authority until 3 years after  
2 the effective date of the revocation.

3 (b) The Department may, when a fee is payable to the  
4 Department for a wall certificate of registration provided by  
5 the Department of Central Management Services, require that  
6 portion of the payment for printing and distribution costs be  
7 made directly or through the Department to the Department of  
8 Central Management Services for deposit into the Paper and  
9 Printing Revolving Fund. The remainder shall be deposited into  
10 the General Revenue Fund.

11 (c) For the purpose of securing and preparing evidence, and  
12 for the purchase of controlled substances, professional  
13 services, and equipment necessary for enforcement activities,  
14 recoupment of investigative costs, and other activities  
15 directed at suppressing the misuse and abuse of controlled  
16 substances, including those activities set forth in Sections  
17 504 and 508 of the Illinois Controlled Substances Act, the  
18 Director and agents appointed and authorized by the Director  
19 may expend sums from the Professional Regulation Evidence Fund  
20 that the Director deems necessary from the amounts appropriated  
21 for that purpose. Those sums may be advanced to the agent when  
22 the Director deems that procedure to be in the public interest.  
23 Sums for the purchase of controlled substances, professional  
24 services, and equipment necessary for enforcement activities  
25 and other activities as set forth in this Section shall be  
26 advanced to the agent who is to make the purchase from the

1 Professional Regulation Evidence Fund on vouchers signed by the  
2 Director. The Director and those agents are authorized to  
3 maintain one or more commercial checking accounts with any  
4 State banking corporation or corporations organized under or  
5 subject to the Illinois Banking Act for the deposit and  
6 withdrawal of moneys to be used for the purposes set forth in  
7 this Section; provided, that no check may be written nor any  
8 withdrawal made from any such account except upon the written  
9 signatures of 2 persons designated by the Director to write  
10 those checks and make those withdrawals. Vouchers for those  
11 expenditures must be signed by the Director. All such  
12 expenditures shall be audited by the Director, and the audit  
13 shall be submitted to the Department of Central Management  
14 Services for approval.

15 (d) Whenever the Department is authorized or required by  
16 law to consider some aspect of criminal history record  
17 information for the purpose of carrying out its statutory  
18 powers and responsibilities, then, upon request and payment of  
19 fees in conformance with the requirements of Section 2605-400  
20 of the Department of State Police Law (20 ILCS 2605/2605-400),  
21 the Department of State Police is authorized to furnish,  
22 pursuant to positive identification, the information contained  
23 in State files that is necessary to fulfill the request.

24 (e) The provisions of this Section do not apply to private  
25 business and vocational schools as defined by Section 1 of the  
26 Private Business and Vocational Schools Act.

1           (f) Beginning July 1, 1995, this Section does not apply to  
2 those professions, trades, and occupations licensed under the  
3 Real Estate License Act of 2000, nor does it apply to any  
4 permits, certificates, or other authorizations to do business  
5 provided for in the Land Sales Registration Act of 1989 or the  
6 Illinois Real Estate Time-Share Act.

7           (g) Notwithstanding anything that may appear in any  
8 individual licensing statute or administrative rule, the  
9 Department shall deny any license application or renewal  
10 authorized under any licensing Act administered by the  
11 Department to any person who has failed to file a return, or to  
12 pay the tax, penalty, or interest shown in a filed return, or  
13 to pay any final assessment of tax, penalty, or interest, as  
14 required by any tax Act administered by the Illinois Department  
15 of Revenue, until such time as the requirement of any such tax  
16 Act are satisfied; however, the Department may issue a license  
17 or renewal if the person has established a satisfactory  
18 repayment record as determined by the Illinois Department of  
19 Revenue. For the purpose of this Section, "satisfactory  
20 repayment record" shall be defined by rule.

21           In addition, a complaint filed with the Department by the  
22 Illinois Department of Revenue that includes a certification,  
23 signed by its Director or designee, attesting to the amount of  
24 the unpaid tax liability or the years for which a return was  
25 not filed, or both, is prima facia evidence of the licensee's  
26 failure to comply with the tax laws administered by the

1 Illinois Department of Revenue. Upon receipt of that  
2 certification, the Department shall, without a hearing,  
3 immediately suspend all licenses held by the licensee.  
4 Enforcement of the Department's order shall be stayed for 60  
5 days. The Department shall provide notice of the suspension to  
6 the licensee by mailing a copy of the Department's order by  
7 certified and regular mail to the licensee's last known address  
8 as registered with the Department. The notice shall advise the  
9 licensee that the suspension shall be effective 60 days after  
10 the issuance of the Department's order unless the Department  
11 receives, from the licensee, a request for a hearing before the  
12 Department to dispute the matters contained in the order.

13 Any suspension imposed under this subsection (g) shall be  
14 terminated by the Department upon notification from the  
15 Illinois Department of Revenue that the licensee is in  
16 compliance with all tax laws administered by the Illinois  
17 Department of Revenue.

18 The Department shall promulgate rules for the  
19 administration of this subsection (g).

20 (h) The Department may grant the title "Retired", to be  
21 used immediately adjacent to the title of a profession  
22 regulated by the Department, to eligible retirees. The use of  
23 the title "Retired" shall not constitute representation of  
24 current licensure, registration, or certification. Any person  
25 without an active license, registration, or certificate in a  
26 profession that requires licensure, registration, or

1 certification shall not be permitted to practice that  
2 profession.

3 (i) Within 180 days after December 23, 2009 (the effective  
4 date of Public Act 96-852) ~~this amendatory Act of the 96th~~  
5 ~~General Assembly~~, the Department shall promulgate rules which  
6 permit a person with a criminal record, who seeks a license or  
7 certificate in an occupation for which a criminal record is not  
8 expressly a per se bar, to apply to the Department for a  
9 non-binding, advisory opinion to be provided by the Board or  
10 body with the authority to issue the license or certificate as  
11 to whether his or her criminal record would bar the individual  
12 from the licensure or certification sought, should the  
13 individual meet all other licensure requirements including,  
14 but not limited to, the successful completion of the relevant  
15 examinations.

16 (Source: P.A. 95-331, eff. 8-21-07; 96-459, eff. 8-14-09;  
17 96-852, eff. 12-23-09; revised 1-4-10.)

18 Section 85. The Department of Public Health Powers and  
19 Duties Law of the Civil Administrative Code of Illinois is  
20 amended by setting forth and renumbering multiple versions of  
21 Section 2310-640 as follows:

22 (20 ILCS 2310/2310-640)

23 Sec. 2310-640. Hospital Capital Investment Program.

24 (a) Subject to appropriation, the Department shall

1 establish and administer a program to award capital grants to  
2 Illinois hospitals licensed under the Hospital Licensing Act.  
3 Grants awarded under this program shall only be used to fund  
4 capital projects to improve or renovate the hospital's facility  
5 or to improve, replace or acquire the hospital's equipment or  
6 technology. Such projects may include, but are not limited to,  
7 projects to satisfy any building code, safety standard or life  
8 safety code; projects to maintain, improve, renovate, expand or  
9 construct buildings or structures; projects to maintain,  
10 establish or improve health information technology; or  
11 projects to maintain or improve patient safety, quality of care  
12 or access to care.

13 The Department shall establish rules necessary to  
14 implement the Hospital Capital Investment Program, including  
15 application standards, requirements for the distribution and  
16 obligation of grant funds, accounting for the use of the funds,  
17 reporting the status of funded projects, and standards for  
18 monitoring compliance with standards. In awarding grants under  
19 this Section, the Department shall consider criteria that  
20 include but are not limited to: the financial requirements of  
21 the project and the extent to which the grant makes it possible  
22 to implement the project; the proposed project's likely benefit  
23 in terms of patient safety or quality of care; and the proposed  
24 project's likely benefit in terms of maintaining or improving  
25 access to care.

26 The Department shall approve a hospital's eligibility for a

1 hospital capital investment grant pursuant to the standards  
2 established by this Section. The Department shall determine  
3 eligible project costs, including but not limited to the use of  
4 funds for the acquisition, development, construction,  
5 reconstruction, rehabilitation, improvement, architectural  
6 planning, engineering, and installation of capital facilities  
7 consisting of buildings, structures, technology and durable  
8 equipment for hospital purposes. No portion of a hospital  
9 capital investment grant awarded by the Department may be used  
10 by a hospital to pay for any on-going operational costs, pay  
11 outstanding debt, or be allocated to an endowment or other  
12 invested fund.

13 Nothing in this Section shall exempt nor relieve any  
14 hospital receiving a grant under this Section from any  
15 requirement of the Illinois Health Facilities Planning Act.

16 (b) Safety Net Hospital Grants. The Department shall make  
17 capital grants to hospitals eligible for safety net hospital  
18 grants under this subsection. The total amount of grants to any  
19 individual hospital shall be no less than \$2,500,000 and no  
20 more than \$7,000,000. The total amount of grants to hospitals  
21 under this subsection shall not exceed \$100,000,000. Hospitals  
22 that satisfy one of the following criteria shall be eligible to  
23 apply for safety net hospital grants:

24 (1) Any general acute care hospital located in a county  
25 of over 3,000,000 inhabitants that has a Medicaid inpatient  
26 utilization rate for the rate year beginning on October 1,

1           2008 greater than 43%, that is not affiliated with a  
2           hospital system that owns or operates more than 3  
3           hospitals, and that has more than 13,500 Medicaid inpatient  
4           days.

5           (2) Any general acute care hospital that is located in  
6           a county of more than 3,000,000 inhabitants and has a  
7           Medicaid inpatient utilization rate for the rate year  
8           beginning on October 1, 2008 greater than 55% and has  
9           authorized beds for the obstetric-gynecology category of  
10          service as reported in the 2008 Annual Hospital Bed Report,  
11          issued by the Illinois Department of Public Health.

12          (3) Any hospital that is defined in 89 Illinois  
13          Administrative Code Section 149.50(c)(3)(A) and that has  
14          less than 20,000 Medicaid inpatient days.

15          (4) Any general acute care hospital that is located in  
16          a county of less than 3,000,000 inhabitants and has a  
17          Medicaid inpatient utilization rate for the rate year  
18          beginning on October 1, 2008 greater than 64%.

19          (5) Any general acute care hospital that is located in  
20          a county of over 3,000,000 inhabitants and a city of less  
21          than 1,000,000 inhabitants, that has a Medicaid inpatient  
22          utilization rate for the rate year beginning on October 1,  
23          2008 greater than 22%, that has more than 12,000 Medicaid  
24          inpatient days, and that has a case mix index greater than  
25          0.71.

26          (c) Community Hospital Grants. The Department shall make a

1 one-time capital grant to any public or not-for-profit  
2 hospitals located in counties of less than 3,000,000  
3 inhabitants that are not otherwise eligible for a grant under  
4 subsection (b) of this Section and that have a Medicaid  
5 inpatient utilization rate for the rate year beginning on  
6 October 1, 2008 of at least 10%. The total amount of grants  
7 under this subsection shall not exceed \$50,000,000. This grant  
8 shall be the sum of the following payments:

9 (1) For each acute care hospital, a base payment of:

10 (i) \$170,000 if it is located in an urban area; or

11 (ii) \$340,000 if it is located in a rural area.

12 (2) A payment equal to the product of \$45 multiplied by  
13 total Medicaid inpatient days for each hospital.

14 (d) Annual report. The Department of Public Health shall  
15 prepare and submit to the Governor and the General Assembly an  
16 annual report by January 1 of each year regarding its  
17 administration of the Hospital Capital Investment Program,  
18 including an overview of the program and information about the  
19 specific purpose and amount of each grant and the status of  
20 funded projects. The report shall include information as to  
21 whether each project is subject to and authorized under the  
22 Illinois Health Facilities Planning Act, if applicable.

23 (e) Definitions. As used in this Section, the following  
24 terms shall be defined as follows:

25 "General acute care hospital" shall have the same meaning  
26 as general acute care hospital in Section 5A-12.2 of the

1 Illinois Public Aid Code.

2 "Hospital" shall have the same meaning as defined in  
3 Section 3 of the Hospital Licensing Act, but in no event shall  
4 it include a hospital owned or operated by a State agency, a  
5 State university, or a county with a population of 3,000,000 or  
6 more.

7 "Medicaid inpatient day" shall have the same meaning as  
8 defined in Section 5A-12.2(n) of the Illinois Public Aid Code.

9 "Medicaid inpatient utilization rate" shall have the same  
10 meaning as provided in Title 89, Chapter I, subchapter d, Part  
11 148, Section 148.120 of the Illinois Administrative Code.

12 "Rural" shall have the same meaning as provided in Title  
13 89, Chapter I, subchapter d, Part 148, Section 148.25(g) (3) of  
14 the Illinois Administrative Code.

15 "Urban" shall have the same meaning as provided in Title  
16 89, Chapter I, subchapter d, Part 148, Section 148.25(g) (4) of  
17 the Illinois Administrative Code.

18 (Source: P.A. 96-37, eff. 7-13-09.)

19 (20 ILCS 2310/2310-641)

20 (Section scheduled to be repealed on December 31, 2012)

21 Sec. 2310-641 ~~2310-640~~. Neonatal Diabetes Mellitus  
22 Registry Pilot Program.

23 (a) In this Section, "neonatal diabetes mellitus research  
24 institution" means an Illinois academic medical research  
25 institution that (i) conducts research in the area of diabetes

1 mellitus with onset before 12 months of age and (ii) is  
2 functioning in this capacity as of the effective date of this  
3 amendatory Act of the 96th General Assembly.

4 (b) The Department, subject to appropriation or other funds  
5 made available for this purpose, shall develop and implement a  
6 3-year pilot program to create and maintain a monogenic  
7 neonatal diabetes mellitus registry. The Department shall  
8 create an electronic registry to track the glycosylated  
9 hemoglobin level of each person with monogenic neonatal  
10 diabetes who has a laboratory test to determine that level  
11 performed by a physician or healthcare provider or at a  
12 clinical laboratory in this State. The Department shall  
13 facilitate collaborations between participating physicians and  
14 other healthcare providers and the Kovler Diabetes Center at  
15 the University of Chicago in order to assist participating  
16 physicians and other healthcare providers with genetic testing  
17 and follow-up care for participating patients.

18 The goals of the registry are as follows:

19 (1) to help identify new and existing patients with  
20 neonatal diabetes;

21 (2) to provide a clearinghouse of information for  
22 individuals, their families, and doctors about these  
23 syndromes;

24 (3) to keep track of patients with these mutations who  
25 are being treated with sulfonylurea drugs and their  
26 treatment outcomes; and

1           (4) to help identify new genes responsible for  
2 diabetes.

3           (c) Physicians licensed to practice medicine in all its  
4 branches and other healthcare providers treating a patient in  
5 this State with diabetes mellitus with onset before 12 months  
6 of age shall report to the Department the following information  
7 from all such cases no more than 30 days after diagnosis: the  
8 name of the physician, the name of the patient, the birthdate  
9 of the patient, the patient's age at the onset of diabetes, the  
10 patient's birth weight, the patient's blood sugar level at the  
11 onset of diabetes, any family history of diabetes of any type,  
12 and any other pertinent medical history of the patient.  
13 Clinical laboratories performing glycosylated hemoglobin tests  
14 in this State as of the effective date of this amendatory Act  
15 of the 96th General Assembly for patients with diabetes  
16 mellitus with onset before 12 months of age must report the  
17 results of each test that the laboratory performs to the  
18 Department within 30 days after performing such test.

19           (d) The Department shall create for dissemination to  
20 physicians, healthcare providers, and clinical laboratories  
21 performing glycosylated hemoglobin tests for patients with  
22 monogenic neonatal diabetes mellitus a consent form. The  
23 physician, healthcare provider, or laboratory shall obtain the  
24 written informed consent of the patient to the disclosure of  
25 the patient's information. At initial consultation, the  
26 physician, healthcare provider, or laboratory representative

1 shall provide the patient with a copy of the consent form and  
2 orally review the form together with the patient in order to  
3 obtain the informed consent of the patient and the physician's,  
4 or healthcare provider's, or laboratory's agreement to  
5 participate in the pilot program. A copy of the informed  
6 consent document, signed and dated by the client and by the  
7 physician, healthcare provider, or laboratory representative  
8 must be kept in each client's chart. The consent form shall  
9 contain the following:

10 (1) an explanation of the pilot program's purpose and  
11 protocol;

12 (2) an explanation of the privacy provisions set forth  
13 in subsections (f) and (g) of this Section; and

14 (3) signature lines for the physician, healthcare  
15 provider, or laboratory representative and for the patient  
16 to indicate in writing their agreement to participate in  
17 the pilot program.

18 (e) The Department shall allow access of the registry to  
19 neonatal diabetes mellitus research institutions participating  
20 in the pilot program. The Department and the participating  
21 neonatal diabetes mellitus research institution shall do the  
22 following:

23 (1) compile results submitted under subsection (c) of  
24 this Section in order to track:

25 (A) the prevalence and incidence of monogenic  
26 neonatal diabetes mellitus among people tested in this

1 State;

2 (B) the level of control the patients in each  
3 demographic group exert over the monogenic neonatal  
4 diabetes mellitus;

5 (C) the trends of new diagnoses of monogenic  
6 neonatal diabetes mellitus in this State; and

7 (D) the health care costs associated with diabetes  
8 mellitus; and

9 (2) promote discussion and public information programs  
10 regarding monogenic neonatal diabetes mellitus.

11 (f) Reports, records, and information obtained under this  
12 Section are confidential, privileged, not subject to  
13 disclosure, and not subject to subpoena and may not otherwise  
14 be released or made public except as provided by this Section.  
15 The reports, records, and information obtained under this  
16 Section are for the confidential use of the Department and the  
17 participating neonatal diabetes mellitus research institutions  
18 and the persons or public or private entities that the  
19 Department determine are necessary to carry out the intent of  
20 this Section. No duty to report under this Section exists if  
21 the patient's legal representative refuses written informed  
22 consent to report. Medical or epidemiological information may  
23 be released as follows:

24 (1) for statistical purposes in a manner that prevents  
25 identification of individuals, health care facilities,  
26 clinical laboratories, or health care practitioners;

1           (2) with the consent of each person identified in the  
2 information; or

3           (3) to promote diabetes mellitus research, including  
4 release of information to other diabetes registries and  
5 appropriate State and federal agencies, under rules  
6 adopted by the Department to ensure confidentiality as  
7 required by State and federal laws.

8           (g) An employee of this State or a participating neonatal  
9 diabetes mellitus research institution may not testify in a  
10 civil, criminal, special, or other proceeding as to the  
11 existence or contents of records, reports, or information  
12 concerning an individual whose medical records have been used  
13 in submitting data required under this Section unless the  
14 individual consents in advance.

15           (h) Not later than December 1, 2012, the Department shall  
16 submit a report to the General Assembly regarding the pilot  
17 program that includes the following:

18           (1) an evaluation of the effectiveness of the pilot  
19 program; and

20           (2) a recommendation to continue, expand, or eliminate  
21 the pilot program.

22           (i) The Department shall adopt rules to implement the pilot  
23 program, including rules to govern the format and method of  
24 collecting glycosylated hemoglobin data, in accordance with  
25 the Illinois Administrative Procedure Act.

26           (j) This Section is repealed on December 31, 2012.

1 (Source: P.A. 96-395, eff. 8-13-09; revised 9-15-09.)

2 Section 90. The Disabilities Services Act of 2003 is  
3 amended by renumbering the heading of Article IV as follows:

4 (20 ILCS 2407/Art. 4 heading)

5 ARTICLE 4 ~~IV~~. RAPID REINTEGRATION PILOT PROGRAM

6 (Source: P.A. 96-810, eff. 10-30-09; revised 11-24-09.)

7 Section 95. The Criminal Identification Act is amended by  
8 changing Section 5 as follows:

9 (20 ILCS 2630/5) (from Ch. 38, par. 206-5)

10 Sec. 5. Arrest reports. ~~(a)~~ All policing bodies of this  
11 State shall furnish to the Department, daily, in the form and  
12 detail the Department requires, fingerprints and descriptions  
13 of all persons who are arrested on charges of violating any  
14 penal statute of this State for offenses that are classified as  
15 felonies and Class A or B misdemeanors and of all minors of the  
16 age of 10 and over who have been arrested for an offense which  
17 would be a felony if committed by an adult, and may forward  
18 such fingerprints and descriptions for minors arrested for  
19 Class A or B misdemeanors. Moving or nonmoving traffic  
20 violations under the Illinois Vehicle Code shall not be  
21 reported except for violations of Chapter 4, Section 11-204.1,  
22 or Section 11-501 of that Code. In addition, conservation

1 offenses, as defined in the Supreme Court Rule 501(c), that are  
2 classified as Class B misdemeanors shall not be reported. Those  
3 law enforcement records maintained by the Department for minors  
4 arrested for an offense prior to their 17th birthday, or minors  
5 arrested for a non-felony offense, if committed by an adult,  
6 prior to their 18th birthday, shall not be forwarded to the  
7 Federal Bureau of Investigation unless those records relate to  
8 an arrest in which a minor was charged as an adult under any of  
9 the transfer provisions of the Juvenile Court Act of 1987.

10 (Source: P.A. 95-955, eff. 1-1-09; 96-328, eff. 8-11-09;  
11 96-409, eff. 1-1-10; 96-707, eff. 1-1-10; revised 10-6-09.)

12 Section 100. The Department of Transportation Law of the  
13 Civil Administrative Code of Illinois is amended by setting  
14 forth and renumbering multiple versions of Section 2705-590 as  
15 follows:

16 (20 ILCS 2705/2705-590)

17 Sec. 2705-590. Roadbuilding criteria; life-cycle cost  
18 analysis.

19 (a) As used in this Section, "life-cycle cost" means the  
20 total of the cost of the initial project plus all anticipated  
21 future costs over the life of the pavement. Actual, relevant  
22 data, and not assumptions or estimates, shall be used to the  
23 extent such data has been collected.

24 (b) The Department shall develop and implement a life-cycle

1 cost analysis for each State road project under its  
2 jurisdiction for which the total pavement costs exceed \$500,000  
3 funded in whole, or in part, with State or State-appropriated  
4 funds. The Department shall design and award these paving  
5 projects utilizing material having the lowest life-cycle cost.  
6 All pavement design life shall ensure that State and  
7 State-appropriated funds are utilized as efficiently as  
8 possible. When alternative material options are substantially  
9 equivalent on a life-cycle cost basis, the Department may make  
10 a decision based on other criteria. At the discretion of the  
11 Department, interstate highways with high traffic volumes or  
12 experimental projects may be exempt from this requirement.

13 (c) Except as otherwise provided in this Section, a  
14 life-cycle cost analysis shall compare equivalent designs  
15 based upon this State's actual historic project schedules and  
16 costs as recorded by the pavement management system, and may  
17 include estimates of user costs throughout the entire pavement  
18 life.

19 (d) For pavement projects for which this State has no  
20 actual historic project schedules and costs as recorded by the  
21 pavement management system, the Department may use actual  
22 historical and comparable data for equivalent designs from  
23 states with similar climates, soil structures, or vehicle  
24 traffic.

25 (Source: P.A. 96-715, eff. 8-25-09.)

1 (20 ILCS 2705/2705-593)

2 (This Section may contain text from a Public Act with a  
3 delayed effective date)

4 Sec. 2705-593 ~~2705-590~~. Office of Business and Workforce  
5 Diversity.

6 (a) The Office of Business and Workforce Diversity is  
7 established within the Department.

8 (b) The Office shall administer and be responsible for the  
9 Department's efforts to achieve greater diversity in its  
10 construction projects and in promoting equal opportunities  
11 within the Department. The responsibilities of the Office shall  
12 be administered between 2 distinct bureaus, designed to  
13 establish policy, procedures, and monitoring efforts pursuant  
14 to the governing regulations supporting minorities and those  
15 supporting women in contracting and workforce activities.

16 (c) Applicant firms must be found eligible to be certified  
17 as a Disadvantaged Business Enterprise (DBE) program under the  
18 federal regulations contained in 49 CFR part 26 and part 23.  
19 Only those businesses that are involved in highway  
20 construction-related services (non-vertical), consultant, and  
21 supplier/equipment rental/trucking services may be considered  
22 for participation in the Department's DBE program. Once  
23 certified, the firm's name shall be listed in the Illinois  
24 Unified Certification Program's (IL UCP) DBE Directory  
25 (Directory). The IL UCP's 5 participating agencies shall  
26 maintain the Directory to provide a reference source to assist

1 bidders and proposers in meeting DBE contract goals. The  
2 Directory shall list the firms in alphabetical order and  
3 provides the industry categories/list and the districts in  
4 which the firms have indicated they are available.

5 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
6 for the effective date of changes made by P.A. 96-795); revised  
7 12-2-09.)

8 Section 105. The Capital Development Board Act is amended  
9 by changing Section 10.04 as follows:

10 (20 ILCS 3105/10.04) (from Ch. 127, par. 780.04)

11 Sec. 10.04. Construction and repair of buildings; green  
12 building.

13 (a) To construct and repair, or contract for and supervise  
14 the construction and repair of, buildings under the control of  
15 or for the use of any State agency, as authorized by the  
16 General Assembly. To the maximum extent feasible, any  
17 construction or repair work shall utilize the best available  
18 technologies for minimizing building energy costs as  
19 determined through consultation with the Department of  
20 Commerce and Economic Opportunity.

21 (b) (Repealed by Public Act 94-573). ~~On and after the~~  
22 ~~effective date of this amendatory Act of the 94th General~~  
23 ~~Assembly, the Board shall initiate a series of training~~  
24 ~~workshops across the State to increase awareness and~~

1 ~~understanding of green building techniques and green building~~  
2 ~~rating systems. The workshops shall be designed for relevant~~  
3 ~~State agency staff, construction industry personnel, and other~~  
4 ~~interested parties.~~

5 ~~The Board shall identify no less than 3 construction~~  
6 ~~projects to serve as case studies for achieving certification~~  
7 ~~using nationally recognized and accepted green building~~  
8 ~~guidelines, standards, or systems approved by the State.~~  
9 ~~Consideration shall be given for a variety of representative~~  
10 ~~building types in different geographic regions of the State to~~  
11 ~~provide additional information and data related to the green~~  
12 ~~building design and construction process. The Board shall~~  
13 ~~report its findings to the General Assembly following the~~  
14 ~~completion of the case study projects and in no case later than~~  
15 ~~December 31, 2008.~~

16 ~~The Board shall establish a Green Building Advisory~~  
17 ~~Committee to assist the Board in determining guidelines for~~  
18 ~~which State construction and major renovation projects should~~  
19 ~~be developed to green building standards. The guidelines should~~  
20 ~~take into account the size and type of buildings, financing~~  
21 ~~considerations, and other appropriate criteria. The guidelines~~  
22 ~~must take effect within 3 years after the effective date of~~  
23 ~~this amendatory Act of the 94th General Assembly and are~~  
24 ~~subject to Board approval or adoption. In addition to using a~~  
25 ~~green building rating system in the building design process,~~  
26 ~~the Committee shall consider the feasibility of requiring~~

1 ~~certain State construction projects to be certified using a~~  
2 ~~green building rating system.~~

3 ~~This subsection (b) of this Section is repealed on January~~  
4 ~~1, 2009.~~

5 (Source: P.A. 94-573, eff. 1-1-06; revised 10-30-09.)

6 Section 110. The Illinois Emergency Management Agency Act  
7 is amended by changing Section 5 as follows:

8 (20 ILCS 3305/5) (from Ch. 127, par. 1055)

9 Sec. 5. Illinois Emergency Management Agency.

10 (a) There is created within the executive branch of the  
11 State Government an Illinois Emergency Management Agency and a  
12 Director of the Illinois Emergency Management Agency, herein  
13 called the "Director" who shall be the head thereof. The  
14 Director shall be appointed by the Governor, with the advice  
15 and consent of the Senate, and shall serve for a term of 2  
16 years beginning on the third Monday in January of the  
17 odd-numbered year, and until a successor is appointed and has  
18 qualified; except that the term of the first Director appointed  
19 under this Act shall expire on the third Monday in January,  
20 1989. The Director shall not hold any other remunerative public  
21 office. The Director shall receive an annual salary as set by  
22 the Compensation Review Board.

23 (b) The Illinois Emergency Management Agency shall obtain,  
24 under the provisions of the Personnel Code, technical,

1 clerical, stenographic and other administrative personnel, and  
2 may make expenditures within the appropriation therefor as may  
3 be necessary to carry out the purpose of this Act. The agency  
4 created by this Act is intended to be a successor to the agency  
5 created under the Illinois Emergency Services and Disaster  
6 Agency Act of 1975 and the personnel, equipment, records, and  
7 appropriations of that agency are transferred to the successor  
8 agency as of the effective date of this Act.

9 (c) The Director, subject to the direction and control of  
10 the Governor, shall be the executive head of the Illinois  
11 Emergency Management Agency and the State Emergency Response  
12 Commission and shall be responsible under the direction of the  
13 Governor, for carrying out the program for emergency management  
14 of this State. The Director shall also maintain liaison and  
15 cooperate with the emergency management organizations of this  
16 State and other states and of the federal government.

17 (d) The Illinois Emergency Management Agency shall take an  
18 integral part in the development and revision of political  
19 subdivision emergency operations plans prepared under  
20 paragraph (f) of Section 10. To this end it shall employ or  
21 otherwise secure the services of professional and technical  
22 personnel capable of providing expert assistance to the  
23 emergency services and disaster agencies. These personnel  
24 shall consult with emergency services and disaster agencies on  
25 a regular basis and shall make field examinations of the areas,  
26 circumstances, and conditions that particular political

1 subdivision emergency operations plans are intended to apply.

2 (e) The Illinois Emergency Management Agency and political  
3 subdivisions shall be encouraged to form an emergency  
4 management advisory committee composed of private and public  
5 personnel representing the emergency management phases of  
6 mitigation, preparedness, response, and recovery. The Local  
7 Emergency Planning Committee, as created under the Illinois  
8 Emergency Planning and Community Right to Know Act, shall serve  
9 as an advisory committee to the emergency services and disaster  
10 agency or agencies serving within the boundaries of that Local  
11 Emergency Planning Committee planning district for:

12 (1) the development of emergency operations plan  
13 provisions for hazardous chemical emergencies; and

14 (2) the assessment of emergency response capabilities  
15 related to hazardous chemical emergencies.

16 (f) The Illinois Emergency Management Agency shall:

17 (1) Coordinate the overall emergency management  
18 program of the State.

19 (2) Cooperate with local governments, the federal  
20 government and any public or private agency or entity in  
21 achieving any purpose of this Act and in implementing  
22 emergency management programs for mitigation,  
23 preparedness, response, and recovery.

24 (2.5) Develop a comprehensive emergency preparedness  
25 and response plan for any nuclear accident in accordance  
26 with Section 65 of the Department of Nuclear Safety Law of

1           2004 (20 ILCS 3310) and in development of the Illinois  
2           Nuclear Safety Preparedness program in accordance with  
3           Section 8 of the Illinois Nuclear Safety Preparedness Act.

4           (2.6) Coordinate with the Department of Public Health  
5           with respect to planning for and responding to public  
6           health emergencies.

7           (3) Prepare, for issuance by the Governor, executive  
8           orders, proclamations, and regulations as necessary or  
9           appropriate in coping with disasters.

10          (4) Promulgate rules and requirements for political  
11          subdivision emergency operations plans that are not  
12          inconsistent with and are at least as stringent as  
13          applicable federal laws and regulations.

14          (5) Review and approve, in accordance with Illinois  
15          Emergency Management Agency rules, emergency operations  
16          plans for those political subdivisions required to have an  
17          emergency services and disaster agency pursuant to this  
18          Act.

19          (5.5) Promulgate rules and requirements for the  
20          political subdivision emergency management exercises,  
21          including, but not limited to, exercises of the emergency  
22          operations plans.

23          (5.10) Review, evaluate, and approve, in accordance  
24          with Illinois Emergency Management Agency rules, political  
25          subdivision emergency management exercises for those  
26          political subdivisions required to have an emergency

1 services and disaster agency pursuant to this Act.

2 (6) Determine requirements of the State and its  
3 political subdivisions for food, clothing, and other  
4 necessities in event of a disaster.

5 (7) Establish a register of persons with types of  
6 emergency management training and skills in mitigation,  
7 preparedness, response, and recovery.

8 (8) Establish a register of government and private  
9 response resources available for use in a disaster.

10 (9) Expand the Earthquake Awareness Program and its  
11 efforts to distribute earthquake preparedness materials to  
12 schools, political subdivisions, community groups, civic  
13 organizations, and the media. Emphasis will be placed on  
14 those areas of the State most at risk from an earthquake.  
15 Maintain the list of all school districts, hospitals,  
16 airports, power plants, including nuclear power plants,  
17 lakes, dams, emergency response facilities of all types,  
18 and all other major public or private structures which are  
19 at the greatest risk of damage from earthquakes under  
20 circumstances where the damage would cause subsequent harm  
21 to the surrounding communities and residents.

22 (10) Disseminate all information, completely and  
23 without delay, on water levels for rivers and streams and  
24 any other data pertaining to potential flooding supplied by  
25 the Division of Water Resources within the Department of  
26 Natural Resources to all political subdivisions to the

1 maximum extent possible.

2 (11) Develop agreements, if feasible, with medical  
3 supply and equipment firms to supply resources as are  
4 necessary to respond to an earthquake or any other disaster  
5 as defined in this Act. These resources will be made  
6 available upon notifying the vendor of the disaster.  
7 Payment for the resources will be in accordance with  
8 Section 7 of this Act. The Illinois Department of Public  
9 Health shall determine which resources will be required and  
10 requested.

11 (11.5) In coordination with the Department of State  
12 Police, develop and implement a community outreach program  
13 to promote awareness among the State's parents and children  
14 of child abduction prevention and response.

15 (12) Out of funds appropriated for these purposes,  
16 award capital and non-capital grants to Illinois hospitals  
17 or health care facilities located outside of a city with a  
18 population in excess of 1,000,000 to be used for purposes  
19 that include, but are not limited to, preparing to respond  
20 to mass casualties and disasters, maintaining and  
21 improving patient safety and quality of care, and  
22 protecting the confidentiality of patient information. No  
23 single grant for a capital expenditure shall exceed  
24 \$300,000. No single grant for a non-capital expenditure  
25 shall exceed \$100,000. In awarding such grants, preference  
26 shall be given to hospitals that serve a significant number

1 of Medicaid recipients, but do not qualify for  
2 disproportionate share hospital adjustment payments under  
3 the Illinois Public Aid Code. To receive such a grant, a  
4 hospital or health care facility must provide funding of at  
5 least 50% of the cost of the project for which the grant is  
6 being requested. In awarding such grants the Illinois  
7 Emergency Management Agency shall consider the  
8 recommendations of the Illinois Hospital Association.

9 (13) Do all other things necessary, incidental or  
10 appropriate for the implementation of this Act.

11 (g) The Illinois Emergency Management Agency is authorized  
12 to make grants to various higher education institutions for  
13 safety and security improvements. For the purpose of this  
14 subsection (g), "higher education institution" means a public  
15 university, a public community college, or an independent,  
16 not-for-profit or for-profit higher education institution  
17 located in this State. Grants made under this subsection (g)  
18 shall be paid out of moneys appropriated for that purpose from  
19 the Build Illinois Bond Fund. The Illinois Emergency Management  
20 Agency shall adopt rules to implement this subsection (g).  
21 These rules may specify: (i) the manner of applying for grants;  
22 (ii) project eligibility requirements; (iii) restrictions on  
23 the use of grant moneys; (iv) the manner in which the various  
24 higher education institutions must account for the use of grant  
25 moneys; and (v) any other provision that the Illinois Emergency  
26 Management Agency determines to be necessary or useful for the

1 administration of this subsection (g).

2 (Source: P.A. 96-800, eff. 10-30-09; 96-820, eff. 11-18-09;  
3 revised 12-1-09.)

4 Section 115. The Illinois State Agency Historic Resources  
5 Preservation Act is amended by changing Section 4 as follows:

6 (20 ILCS 3420/4) (from Ch. 127, par. 133c24)

7 Sec. 4. State agency undertakings.

8 (a) As early in the planning process as may be practicable  
9 and prior to the approval of the final design or plan of any  
10 undertaking by a State agency, or prior to the funding of any  
11 undertaking by a State agency, or prior to an action of  
12 approval or entitlement of any private undertaking by a State  
13 agency, written notice of the project shall be given to the  
14 Director either by the State agency or the recipients of its  
15 funds, permits or licenses. The State agency shall consult with  
16 the Director to determine the documentation requirements  
17 necessary for identification and treatment of historic  
18 resources. For the purposes of identification and evaluation of  
19 historic resources, the Director may require archaeological  
20 and historic investigations. Responsibility for notice and  
21 documentation may be delegated by the State agency to a local  
22 or private designee.

23 (b) Within 30 days after receipt of complete and correct  
24 documentation of a proposed undertaking, the Director shall

1 review and comment to the agency on the likelihood that the  
2 undertaking will have an adverse effect on a historic resource.  
3 In the case of a private undertaking, the Director shall, not  
4 later than 30 days following the receipt of an application with  
5 complete documentation of the undertaking, either approve that  
6 application allowing the undertaking to proceed or tender to  
7 the applicant a written statement setting forth the reasons for  
8 the requirement of an archaeological investigation. If there is  
9 no action within 30 days after the filing of the application  
10 with the complete documentation of the undertaking, the  
11 applicant may deem the application approved and may proceed  
12 with the undertaking. Thereafter, all requirements for  
13 archaeological investigations are waived under this Act.

14 (c) If the Director finds that an undertaking will  
15 adversely affect ~~effect~~ an historic resource or is inconsistent  
16 with agency policies, the State agency shall consult with the  
17 Director and shall discuss alternatives to the proposed  
18 undertaking which could eliminate, minimize, or mitigate its  
19 adverse effect. During the consultation process, the State  
20 agency shall explore all feasible and prudent plans which  
21 eliminate, minimize, or mitigate adverse effects on historic  
22 resources. Grantees, permittees, licensees, or other parties  
23 in interest and representatives of national, State, and local  
24 units of government and public and private organizations may  
25 participate in the consultation process. The process may  
26 involve on-site inspections and public informational meetings

1 pursuant to regulations issued by the Historic Preservation  
2 Agency.

3 (d) The State agency and the Director may agree that there  
4 is a feasible and prudent alternative which eliminates,  
5 minimizes, or mitigates the adverse effect of the undertaking.  
6 Upon such agreement, or if the State agency and the Director  
7 agree that there are no feasible and prudent alternatives which  
8 eliminate, minimize, or mitigate the adverse effect, the  
9 Director shall prepare a Memorandum of Agreement describing the  
10 alternatives or stating the finding. The State agency may  
11 proceed with the undertaking once a Memorandum of Agreement has  
12 been signed by both the State agency and the Director.

13 (e) After the consultation process, the Director and the  
14 State agency may fail to agree on the existence of a feasible  
15 and prudent alternative which would eliminate, minimize, or  
16 mitigate the adverse effect of the undertaking on the historic  
17 resource. If no agreement is reached, the agency shall call a  
18 public meeting in the county where the undertaking is proposed  
19 within 60 days. If, within 14 days following conclusion of the  
20 public meeting, the State agency and the Director fail to agree  
21 on a feasible and prudent alternative, the proposed  
22 undertaking, with supporting documentation, shall be submitted  
23 to the Historic Preservation Mediation Committee. The document  
24 shall be sufficient to identify each alternative considered by  
25 the Agency and the Director during the consultation process and  
26 the reason for its rejection.

1           (f) The Mediation Committee shall consist of the Director  
2 and 5 persons appointed by the Director for terms of 3 years  
3 each, each of whom shall be no lower in rank than a division  
4 chief and each of whom shall represent a different State  
5 agency. An agency that is a party to mediation shall be  
6 notified of all hearings and deliberations and shall have the  
7 right to participate in deliberations as a non-voting member of  
8 the Committee. Within 30 days after submission of the proposed  
9 undertaking, the Committee shall meet with the Director and the  
10 submitting agency to review each alternative considered by the  
11 State agency and the Director and to evaluate the existence of  
12 a feasible and prudent alternative. In the event that the  
13 Director and the submitting agency continue to disagree, the  
14 Committee shall provide a statement of findings or comments  
15 setting forth an alternative to the proposed undertaking or  
16 stating the finding that there is no feasible or prudent  
17 alternative. The State agency shall consider the written  
18 comments of the Committee and shall respond in writing to the  
19 Committee before proceeding with the undertaking.

20           (g) When an undertaking is being reviewed pursuant to  
21 Section 106 of the National Historic Preservation Act of 1966,  
22 the procedures of this law shall not apply and any review or  
23 comment by the Director on such undertaking shall be within the  
24 framework or procedures of the federal law. When an undertaking  
25 involves a structure listed on the Illinois Register of  
26 Historic Places, the rules and procedures of the Illinois

1 Historic Preservation Act shall apply. This subsection shall  
2 not prevent the Illinois Historic Preservation Agency from  
3 entering into an agreement with the Advisory Council on  
4 Historic Preservation pursuant to Section 106 of the National  
5 Historic Preservation Act to substitute this Act and its  
6 procedures for procedures set forth in Council regulations  
7 found in 36 C.F.R. Part 800.7. A State undertaking that is  
8 necessary to prevent an immediate and imminent threat to life  
9 or property shall be exempt from the requirements of this Act.  
10 Where possible, the Director shall be consulted in the  
11 determination of the exemption. In all cases, the agency shall  
12 provide the Director with a statement of the reasons for the  
13 exemption and shall have an opportunity to comment on the  
14 exemption. The statement and the comments of the Director shall  
15 be included in the annual report of the Historic Preservation  
16 Agency as a guide to future actions. The provisions of this Act  
17 do not apply to undertakings pursuant to the Illinois Oil and  
18 Gas Act, the Surface-Mined Land Conservation and Reclamation  
19 Act and the Surface Coal Mining Land Conservation and  
20 Reclamation Act.

21 (Source: P.A. 86-707; 87-739; 87-847; 87-895; revised  
22 10-30-09.)

23 Section 120. The Illinois Housing Development Act is  
24 amended by changing Section 7 as follows:

1 (20 ILCS 3805/7) (from Ch. 67 1/2, par. 307)

2 Sec. 7. The Authority may exercise the powers set forth in  
3 the following Sections preceding Section 8 ~~7.1 through 7.26~~.

4 (Source: P.A. 87-250; revised 10-30-09.)

5 Section 125. The Illinois Power Agency Act is amended by  
6 changing Sections 1-10 and 1-20 and by setting forth and  
7 renumbering multiple versions of Section 1-56 as follows:

8 (20 ILCS 3855/1-10)

9 Sec. 1-10. Definitions.

10 "Agency" means the Illinois Power Agency.

11 "Agency loan agreement" means any agreement pursuant to  
12 which the Illinois Finance Authority agrees to loan the  
13 proceeds of revenue bonds issued with respect to a project to  
14 the Agency upon terms providing for loan repayment installments  
15 at least sufficient to pay when due all principal of, interest  
16 and premium, if any, on those revenue bonds, and providing for  
17 maintenance, insurance, and other matters in respect of the  
18 project.

19 "Authority" means the Illinois Finance Authority.

20 "Clean coal facility" means an electric generating  
21 facility that uses primarily coal as a feedstock and that  
22 captures and sequesters carbon emissions at the following  
23 levels: at least 50% of the total carbon emissions that the  
24 facility would otherwise emit if, at the time construction

1 commences, the facility is scheduled to commence operation  
2 before 2016, at least 70% of the total carbon emissions that  
3 the facility would otherwise emit if, at the time construction  
4 commences, the facility is scheduled to commence operation  
5 during 2016 or 2017, and at least 90% of the total carbon  
6 emissions that the facility would otherwise emit if, at the  
7 time construction commences, the facility is scheduled to  
8 commence operation after 2017. The power block of the clean  
9 coal facility shall not exceed allowable emission rates for  
10 sulfur dioxide, nitrogen oxides, carbon monoxide, particulates  
11 and mercury for a natural gas-fired combined-cycle facility the  
12 same size as and in the same location as the clean coal  
13 facility at the time the clean coal facility obtains an  
14 approved air permit. All coal used by a clean coal facility  
15 shall have high volatile bituminous rank and greater than 1.7  
16 pounds of sulfur per million btu content, unless the clean coal  
17 facility does not use gasification technology and was operating  
18 as a conventional coal-fired electric generating facility on  
19 June 1, 2009 (the effective date of Public Act 95-1027).

20 "Clean coal SNG facility" means a facility that uses a  
21 gasification process to produce substitute natural gas, that  
22 sequesters at least 90% of the total carbon emissions that the  
23 facility would otherwise emit and that uses petroleum coke or  
24 coal as a feedstock, with all such coal having a high  
25 bituminous rank and greater than 1.7 pounds of sulfur per  
26 million btu content.

1 "Commission" means the Illinois Commerce Commission.

2 "Costs incurred in connection with the development and  
3 construction of a facility" means:

4 (1) the cost of acquisition of all real property and  
5 improvements in connection therewith and equipment and  
6 other property, rights, and easements acquired that are  
7 deemed necessary for the operation and maintenance of the  
8 facility;

9 (2) financing costs with respect to bonds, notes, and  
10 other evidences of indebtedness of the Agency;

11 (3) all origination, commitment, utilization,  
12 facility, placement, underwriting, syndication, credit  
13 enhancement, and rating agency fees;

14 (4) engineering, design, procurement, consulting,  
15 legal, accounting, title insurance, survey, appraisal,  
16 escrow, trustee, collateral agency, interest rate hedging,  
17 interest rate swap, capitalized interest and other  
18 financing costs, and other expenses for professional  
19 services; and

20 (5) the costs of plans, specifications, site study and  
21 investigation, installation, surveys, other Agency costs  
22 and estimates of costs, and other expenses necessary or  
23 incidental to determining the feasibility of any project,  
24 together with such other expenses as may be necessary or  
25 incidental to the financing, insuring, acquisition, and  
26 construction of a specific project and placing that project

1 in operation.

2 "Department" means the Department of Commerce and Economic  
3 Opportunity.

4 "Director" means the Director of the Illinois Power Agency.

5 "Demand-response" means measures that decrease peak  
6 electricity demand or shift demand from peak to off-peak  
7 periods.

8 "Energy efficiency" means measures that reduce the amount  
9 of electricity or natural gas required to achieve a given end  
10 use.

11 "Electric utility" has the same definition as found in  
12 Section 16-102 of the Public Utilities Act.

13 "Facility" means an electric generating unit or a  
14 co-generating unit that produces electricity along with  
15 related equipment necessary to connect the facility to an  
16 electric transmission or distribution system.

17 "Governmental aggregator" means one or more units of local  
18 government that individually or collectively procure  
19 electricity to serve residential retail electrical loads  
20 located within its or their jurisdiction.

21 "Local government" means a unit of local government as  
22 defined in Article VII of Section 1 of the Illinois  
23 Constitution.

24 "Municipality" means a city, village, or incorporated  
25 town.

26 "Person" means any natural person, firm, partnership,

1 corporation, either domestic or foreign, company, association,  
2 limited liability company, joint stock company, or association  
3 and includes any trustee, receiver, assignee, or personal  
4 representative thereof.

5 "Project" means the planning, bidding, and construction of  
6 a facility.

7 "Public utility" has the same definition as found in  
8 Section 3-105 of the Public Utilities Act.

9 "Real property" means any interest in land together with  
10 all structures, fixtures, and improvements thereon, including  
11 lands under water and riparian rights, any easements,  
12 covenants, licenses, leases, rights-of-way, uses, and other  
13 interests, together with any liens, judgments, mortgages, or  
14 other claims or security interests related to real property.

15 "Renewable energy credit" means a tradable credit that  
16 represents the environmental attributes of a certain amount of  
17 energy produced from a renewable energy resource.

18 "Renewable energy resources" includes energy and its  
19 associated renewable energy credit or renewable energy credits  
20 from wind, solar thermal energy, photovoltaic cells and panels,  
21 biodiesel, crops and untreated and unadulterated organic waste  
22 biomass, tree waste, hydropower that does not involve new  
23 construction or significant expansion of hydropower dams, and  
24 other alternative sources of environmentally preferable  
25 energy. For purposes of this Act, landfill gas produced in the  
26 State is considered a renewable energy resource. "Renewable

1 energy resources" does not include the incineration or burning  
2 of tires, garbage, general household, institutional, and  
3 commercial waste, industrial lunchroom or office waste,  
4 landscape waste other than tree waste, railroad crossties,  
5 utility poles, or construction or demolition debris, other than  
6 untreated and unadulterated waste wood.

7 "Revenue bond" means any bond, note, or other evidence of  
8 indebtedness issued by the Authority, the principal and  
9 interest of which is payable solely from revenues or income  
10 derived from any project or activity of the Agency.

11 "Sequester" means permanent storage of carbon dioxide by  
12 injecting it into a saline aquifer, a depleted gas reservoir,  
13 or an oil reservoir, directly or through an enhanced oil  
14 recovery process that may involve intermediate storage in a  
15 salt dome.

16 "Servicing agreement" means (i) in the case of an electric  
17 utility, an agreement between the owner of a clean coal  
18 facility and such electric utility, which agreement shall have  
19 terms and conditions meeting the requirements of paragraph (3)  
20 of subsection (d) of Section 1-75, and (ii) in the case of an  
21 alternative retail electric supplier, an agreement between the  
22 owner of a clean coal facility and such alternative retail  
23 electric supplier, which agreement shall have terms and  
24 conditions meeting the requirements of Section 16-115(d) (5) of  
25 the Public Utilities Act.

26 "Substitute natural gas" or "SNG" means a gas manufactured

1 by gasification of hydrocarbon feedstock, which is  
2 substantially interchangeable in use and distribution with  
3 conventional natural gas.

4 "Total resource cost test" or "TRC test" means a standard  
5 that is met if, for an investment in energy efficiency or  
6 demand-response measures, the benefit-cost ratio is greater  
7 than one. The benefit-cost ratio is the ratio of the net  
8 present value of the total benefits of the program to the net  
9 present value of the total costs as calculated over the  
10 lifetime of the measures. A total resource cost test compares  
11 the sum of avoided electric utility costs, representing the  
12 benefits that accrue to the system and the participant in the  
13 delivery of those efficiency measures, as well as other  
14 quantifiable societal benefits, including avoided natural gas  
15 utility costs, to the sum of all incremental costs of end-use  
16 measures that are implemented due to the program (including  
17 both utility and participant contributions), plus costs to  
18 administer, deliver, and evaluate each demand-side program, to  
19 quantify the net savings obtained by substituting the  
20 demand-side program for supply resources. In calculating  
21 avoided costs of power and energy that an electric utility  
22 would otherwise have had to acquire, reasonable estimates shall  
23 be included of financial costs likely to be imposed by future  
24 regulations and legislation on emissions of greenhouse gases.  
25 (Source: P.A. 95-481, eff. 8-28-07; 95-913, eff. 1-1-09;  
26 95-1027, eff. 6-1-09; 96-33, eff. 7-10-09; 96-159, eff.

1 8-10-09; 96-784, eff. 8-28-09; revised 9-15-09.)

2 (20 ILCS 3855/1-20)

3 Sec. 1-20. General powers of the Agency.

4 (a) The Agency is authorized to do each of the following:

5 (1) Develop electricity procurement plans to ensure  
6 adequate, reliable, affordable, efficient, and  
7 environmentally sustainable electric service at the lowest  
8 total cost over time, taking into account any benefits of  
9 price stability, for electric utilities that on December  
10 31, 2005 provided electric service to at least 100,000  
11 customers in Illinois. The procurement plans shall be  
12 updated on an annual basis and shall include electricity  
13 generated from renewable resources sufficient to achieve  
14 the standards specified in this Act.

15 (2) Conduct competitive procurement processes to  
16 procure the supply resources identified in the procurement  
17 plan, pursuant to Section 16-111.5 of the Public Utilities  
18 Act.

19 (3) Develop electric generation and co-generation  
20 facilities that use indigenous coal or renewable  
21 resources, or both, financed with bonds issued by the  
22 Illinois Finance Authority.

23 (4) Supply electricity from the Agency's facilities at  
24 cost to one or more of the following: municipal electric  
25 systems, governmental aggregators, or rural electric

1 cooperatives in Illinois.

2 (b) Except as otherwise limited by this Act, the Agency has  
3 all of the powers necessary or convenient to carry out the  
4 purposes and provisions of this Act, including without  
5 limitation, each of the following:

6 (1) To have a corporate seal, and to alter that seal at  
7 pleasure, and to use it by causing it or a facsimile to be  
8 affixed or impressed or reproduced in any other manner.

9 (2) To use the services of the Illinois Finance  
10 Authority necessary to carry out the Agency's purposes.

11 (3) To negotiate and enter into loan agreements and  
12 other agreements with the Illinois Finance Authority.

13 (4) To obtain and employ personnel and hire consultants  
14 that are necessary to fulfill the Agency's purposes, and to  
15 make expenditures for that purpose within the  
16 appropriations for that purpose.

17 (5) To purchase, receive, take by grant, gift, devise,  
18 bequest, or otherwise, lease, or otherwise acquire, own,  
19 hold, improve, employ, use, and otherwise deal in and with,  
20 real or personal property whether tangible or intangible,  
21 or any interest therein, within the State.

22 (6) To acquire real or personal property, whether  
23 tangible or intangible, including without limitation  
24 property rights, interests in property, franchises,  
25 obligations, contracts, and debt and equity securities,  
26 and to do so by the exercise of the power of eminent domain

1 in accordance with Section 1-21; except that any real  
2 property acquired by the exercise of the power of eminent  
3 domain must be located within the State.

4 (7) To sell, convey, lease, exchange, transfer,  
5 abandon, or otherwise dispose of, or mortgage, pledge, or  
6 create a security interest in, any of its assets,  
7 properties, or any interest therein, wherever situated.

8 (8) To purchase, take, receive, subscribe for, or  
9 otherwise acquire, hold, make a tender offer for, vote,  
10 employ, sell, lend, lease, exchange, transfer, or  
11 otherwise dispose of, mortgage, pledge, or grant a security  
12 interest in, use, and otherwise deal in and with, bonds and  
13 other obligations, shares, or other securities (or  
14 interests therein) issued by others, whether engaged in a  
15 similar or different business or activity.

16 (9) To make and execute agreements, contracts, and  
17 other instruments necessary or convenient in the exercise  
18 of the powers and functions of the Agency under this Act,  
19 including contracts with any person, local government,  
20 State agency, or other entity; and all State agencies and  
21 all local governments are authorized to enter into and do  
22 all things necessary to perform any such agreement,  
23 contract, or other instrument with the Agency. No such  
24 agreement, contract, or other instrument shall exceed 40  
25 years.

26 (10) To lend money, invest and reinvest its funds in

1           accordance with the Public Funds Investment Act, and take  
2           and hold real and personal property as security for the  
3           payment of funds loaned or invested.

4           (11) To borrow money at such rate or rates of interest  
5           as the Agency may determine, issue its notes, bonds, or  
6           other obligations to evidence that indebtedness, and  
7           secure any of its obligations by mortgage or pledge of its  
8           real or personal property, machinery, equipment,  
9           structures, fixtures, inventories, revenues, grants, and  
10          other funds as provided or any interest therein, wherever  
11          situated.

12          (12) To enter into agreements with the Illinois Finance  
13          Authority to issue bonds whether or not the income  
14          therefrom is exempt from federal taxation.

15          (13) To procure insurance against any loss in  
16          connection with its properties or operations in such amount  
17          or amounts and from such insurers, including the federal  
18          government, as it may deem necessary or desirable, and to  
19          pay any premiums therefor.

20          (14) To negotiate and enter into agreements with  
21          trustees or receivers appointed by United States  
22          bankruptcy courts or federal district courts or in other  
23          proceedings involving adjustment of debts and authorize  
24          proceedings involving adjustment of debts and authorize  
25          legal counsel for the Agency to appear in any such  
26          proceedings.

1           (15) To file a petition under Chapter 9 of Title 11 of  
2 the United States Bankruptcy Code or take other similar  
3 action for the adjustment of its debts.

4           (16) To enter into management agreements for the  
5 operation of any of the property or facilities owned by the  
6 Agency.

7           (17) To enter into an agreement to transfer and to  
8 transfer any land, facilities, fixtures, or equipment of  
9 the Agency to one or more municipal electric systems,  
10 governmental aggregators, or rural electric agencies or  
11 cooperatives, for such consideration and upon such terms as  
12 the Agency may determine to be in the best interest of the  
13 citizens of Illinois.

14           (18) To enter upon any lands and within any building  
15 whenever in its judgment it may be necessary for the  
16 purpose of making surveys and examinations to accomplish  
17 any purpose authorized by this Act.

18           (19) To maintain an office or offices at such place or  
19 places in the State as it may determine.

20           (20) To request information, and to make any inquiry,  
21 investigation, survey, or study that the Agency may deem  
22 necessary to enable it effectively to carry out the  
23 provisions of this Act.

24           (21) To accept and expend appropriations.

25           (22) To engage in any activity or operation that is  
26 incidental to and in furtherance of efficient operation to

1 accomplish the Agency's purposes.

2 (23) To adopt, revise, amend, and repeal rules with  
3 respect to its operations, properties, and facilities as  
4 may be necessary or convenient to carry out the purposes of  
5 this Act, subject to the provisions of the Illinois  
6 Administrative Procedure Act and Sections 1-22 and 1-35 of  
7 this Act.

8 (24) To establish and collect charges and fees as  
9 described in this Act.

10 (25) To manage procurement of substitute natural gas  
11 from a facility that meets the criteria specified in  
12 subsection (a) of Section 1-58 ~~1-56~~ of this Act, on terms  
13 and conditions that may be approved by the Agency pursuant  
14 to subsection (d) of Section 1-58 ~~1-56~~ of this Act, to  
15 support the operations of State agencies and local  
16 governments that agree to such terms and conditions. This  
17 procurement process is not subject to the Procurement Code.  
18 (Source: P.A. 95-481, eff. 8-28-07; 96-784, eff. 8-28-09;  
19 revised 10-13-09.)

20 (20 ILCS 3855/1-56)

21 Sec. 1-56. Illinois Power Agency Renewable Energy  
22 Resources Fund.

23 (a) The Illinois Power Agency Renewable Energy Resources  
24 Fund is created as a special fund in the State treasury.

25 (b) The Illinois Power Agency Renewable Energy Resources

1 Fund shall be administered by the Agency to procure renewable  
2 energy resources. Prior to June 1, 2011, resources procured  
3 pursuant to this Section shall be procured from facilities  
4 located in Illinois, provided the resources are available from  
5 those facilities. If resources are not available in Illinois,  
6 then they shall be procured in states that adjoin Illinois. If  
7 resources are not available in Illinois or in states that  
8 adjoin Illinois, then they may be purchased elsewhere.  
9 Beginning June 1, 2011, resources procured pursuant to this  
10 Section shall be procured from facilities located in Illinois  
11 or states that adjoin Illinois. If resources are not available  
12 in Illinois or in states that adjoin Illinois, then they may be  
13 procured elsewhere. To the extent available, at least 75% of  
14 these renewable energy resources shall come from wind  
15 generation and, starting June 1, 2015, at least 6% of the  
16 renewable energy resources used to meet these standards shall  
17 come from solar photovoltaics.

18 (c) The Agency shall procure renewable energy resources at  
19 least once each year in conjunction with a procurement event  
20 for electric utilities required to comply with Section 1-75 of  
21 the Act and shall, whenever possible, enter into long-term  
22 contracts.

23 (d) The price paid to procure renewable energy credits  
24 using monies from the Illinois Power Agency Renewable Energy  
25 Resources Fund shall not exceed the winning bid prices paid for  
26 like resources procured for electric utilities required to

1 comply with Section 1-75 of this Act.

2 (e) All renewable energy credits procured using monies from  
3 the Illinois Power Agency Renewable Energy Resources Fund shall  
4 be permanently retired.

5 (f) The procurement process described in this Section is  
6 exempt from the requirements of the Illinois Procurement Code,  
7 pursuant to Section 20-10 of that Code.

8 (g) All disbursements from the Illinois Power Agency  
9 Renewable Energy Resources Fund shall be made only upon  
10 warrants of the Comptroller drawn upon the Treasurer as  
11 custodian of the Fund upon vouchers signed by the Director or  
12 by the person or persons designated by the Director for that  
13 purpose. The Comptroller is authorized to draw the warrant upon  
14 vouchers so signed. The Treasurer shall accept all warrants so  
15 signed and shall be released from liability for all payments  
16 made on those warrants.

17 (h) The Illinois Power Agency Renewable Energy Resources  
18 Fund shall not be subject to sweeps, administrative charges, or  
19 chargebacks, including, but not limited to, those authorized  
20 under Section 8h of the State Finance Act, that would in any  
21 way result in the transfer of any funds from this Fund to any  
22 other fund of this State or in having any such funds utilized  
23 for any purpose other than the express purposes set forth in  
24 this Section.

25 (Source: P.A. 96-159, eff. 8-10-09.)

1 (20 ILCS 3855/1-58)

2 Sec. 1-58 ~~1-56~~. Clean coal SNG facility construction.

3 (a) It is the intention of the General Assembly to provide  
4 additional long-term natural gas price stability to the State  
5 and consumers by promoting the development of a clean coal SNG  
6 facility that would produce a minimum annual output of 30 Bcf  
7 of SNG and commence construction no later than June 1, 2013 on  
8 a brownfield site in a municipality with at least one million  
9 residents. The costs associated with preparing a facility cost  
10 report for such a facility, which contains all of the  
11 information required by subsection (b) of this Section, may be  
12 paid or reimbursed pursuant to subsection (c) of this Section.

13 (b) The facility cost report for a facility that meets the  
14 criteria set forth in subsection (a) of this Section shall be  
15 prepared by a duly licensed engineering firm that details the  
16 estimated capital costs payable to one or more contractors or  
17 suppliers for the engineering, procurement, and construction  
18 of the components comprising the facility and the estimated  
19 costs of operation and maintenance of the facility. The report  
20 must be provided to the General Assembly and the Agency on or  
21 before April 30, 2010. The facility cost report shall include  
22 all off the following:

23 (1) An estimate of the capital cost of the core plant  
24 based on a front-end engineering and design study. The core  
25 plant shall include all civil, structural, mechanical,  
26 electrical, control, and safety systems. The quoted

1 construction costs shall be expressed in nominal dollars as  
2 of the date that the quote is prepared and shall include:

3 (A) capitalized financing costs during  
4 construction;

5 (B) taxes, insurance, and other owner's costs; and

6 (C) any assumed escalation in materials and labor  
7 beyond the date as of which the construction cost quote  
8 is expressed;

9 (2) An estimate of the capital cost of the balance of  
10 the plant, including any capital costs associated with site  
11 preparation and remediation, sequestration of carbon  
12 dioxide emissions, and all interconnects and interfaces  
13 required to operate the facility, such as construction or  
14 backfeed power supply, pipelines to transport substitute  
15 natural gas or carbon dioxide, potable water supply,  
16 natural gas supply, water supply, water discharge,  
17 landfill, access roads, and coal delivery. The front-end  
18 engineering and design study and the cost study for the  
19 balance of the plant shall include sufficient design work  
20 to permit quantification of major categories of materials,  
21 commodities and labor hours, and receipt of quotes from  
22 vendors of major equipment required to construct and  
23 operate the facility.

24 (3) An operating and maintenance cost quote that will  
25 provide the estimated cost of delivered fuel, personnel,  
26 maintenance contracts, chemicals, catalysts, consumables,

1 spares, and other fixed and variable operating and  
2 maintenance costs. This quote is subject to the following  
3 requirements:

4 (A) The delivered fuel cost estimate shall be  
5 provided by a recognized third party expert or experts  
6 in the fuel and transportation industries.

7 (B) The balance of the operating and maintenance  
8 cost quote, excluding delivered fuel costs shall be  
9 developed based on the inputs provided by a duly  
10 licensed engineering firm performing the construction  
11 cost quote, potential vendors under long-term service  
12 agreements and plant operating agreements, or  
13 recognized third-party plant operator or operators.

14 The operating and maintenance cost quote shall be  
15 expressed in nominal dollars as of the date that the quote  
16 is prepared and shall include (i) taxes, insurance, and  
17 other owner's costs and (ii) any assumed escalation in  
18 materials and labor beyond the date as of which the  
19 operating and maintenance cost quote is expressed.

20 (c) Reasonable amounts paid or due to be paid by the owner  
21 or owners of the clean coal SNG facility to third parties  
22 unrelated to the owner or owners to prepare the facility cost  
23 report will be reimbursed or paid up to \$10 million through  
24 Coal Development Bonds.

25 (d) The Agency shall review the facility report and based  
26 on that report, consider whether to enter into long term

1 contracts to purchase SNG from the facility pursuant to Section  
2 1-20 of this Act. To assist with its evaluation of the report,  
3 the Agency may hire one or more experts or consultants, the  
4 reasonable costs of which, not to exceed \$250,000, shall be  
5 paid for by the owner or owners of the clean coal SNG facility  
6 submitting the facility cost report. The Agency may begin the  
7 process of selecting such experts or consultants prior to  
8 receipt of the facility cost report.

9 (Source: P.A. 96-781, eff. 8-28-09; 96-784, eff. 8-28-09;  
10 revised 10-13-09.)

11 Section 130. The Illinois Health Facilities Planning Act is  
12 amended by changing Sections 3 and 12 as follows:

13 (20 ILCS 3960/3) (from Ch. 111 1/2, par. 1153)

14 (Text of Section before amendment by P.A. 96-339)

15 (Section scheduled to be repealed on December 31, 2019)

16 Sec. 3. Definitions. As used in this Act:

17 "Health care facilities" means and includes the following  
18 facilities and organizations:

19 1. An ambulatory surgical treatment center required to  
20 be licensed pursuant to the Ambulatory Surgical Treatment  
21 Center Act;

22 2. An institution, place, building, or agency required  
23 to be licensed pursuant to the Hospital Licensing Act;

24 3. Skilled and intermediate long term care facilities

1 licensed under the Nursing Home Care Act;

2 4. Hospitals, nursing homes, ambulatory surgical  
3 treatment centers, or kidney disease treatment centers  
4 maintained by the State or any department or agency  
5 thereof;

6 5. Kidney disease treatment centers, including a  
7 free-standing hemodialysis unit required to be licensed  
8 under the End Stage Renal Disease Facility Act;

9 6. An institution, place, building, or room used for  
10 the performance of outpatient surgical procedures that is  
11 leased, owned, or operated by or on behalf of an  
12 out-of-state facility;

13 7. An institution, place, building, or room used for  
14 provision of a health care category of service as defined  
15 by the Board, including, but not limited to, cardiac  
16 catheterization and open heart surgery; and

17 8. An institution, place, building, or room used for  
18 provision of major medical equipment used in the direct  
19 clinical diagnosis or treatment of patients, and whose  
20 project cost is in excess of the capital expenditure  
21 minimum.

22 This Act shall not apply to the construction of any new  
23 facility or the renovation of any existing facility located on  
24 any campus facility as defined in Section 5-5.8b of the  
25 Illinois Public Aid Code, provided that the campus facility  
26 encompasses 30 or more contiguous acres and that the new or

1 renovated facility is intended for use by a licensed  
2 residential facility.

3 No federally owned facility shall be subject to the  
4 provisions of this Act, nor facilities used solely for healing  
5 by prayer or spiritual means.

6 No facility licensed under the Supportive Residences  
7 Licensing Act or the Assisted Living and Shared Housing Act  
8 shall be subject to the provisions of this Act.

9 No facility established and operating under the  
10 Alternative Health Care Delivery Act as a children's respite  
11 care center alternative health care model demonstration  
12 program or as an Alzheimer's Disease Management Center  
13 alternative health care model demonstration program shall be  
14 subject to the provisions of this Act.

15 A facility designated as a supportive living facility that  
16 is in good standing with the program established under Section  
17 5-5.01a of the Illinois Public Aid Code shall not be subject to  
18 the provisions of this Act.

19 This Act does not apply to facilities granted waivers under  
20 Section 3-102.2 of the Nursing Home Care Act. However, if a  
21 demonstration project under that Act applies for a certificate  
22 of need to convert to a nursing facility, it shall meet the  
23 licensure and certificate of need requirements in effect as of  
24 the date of application.

25 This Act does not apply to a dialysis facility that  
26 provides only dialysis training, support, and related services

1 to individuals with end stage renal disease who have elected to  
2 receive home dialysis. This Act does not apply to a dialysis  
3 unit located in a licensed nursing home that offers or provides  
4 dialysis-related services to residents with end stage renal  
5 disease who have elected to receive home dialysis within the  
6 nursing home. The Board, however, may require these dialysis  
7 facilities and licensed nursing homes to report statistical  
8 information on a quarterly basis to the Board to be used by the  
9 Board to conduct analyses on the need for proposed kidney  
10 disease treatment centers.

11 This Act shall not apply to the closure of an entity or a  
12 portion of an entity licensed under the Nursing Home Care Act,  
13 with the exceptions of facilities operated by a county or  
14 Illinois Veterans Homes, that elects to convert, in whole or in  
15 part, to an assisted living or shared housing establishment  
16 licensed under the Assisted Living and Shared Housing Act.

17 This Act does not apply to any change of ownership of a  
18 healthcare facility that is licensed under the Nursing Home  
19 Care Act, with the exceptions of facilities operated by a  
20 county or Illinois Veterans Homes. Changes of ownership of  
21 facilities licensed under the Nursing Home Care Act must meet  
22 the requirements set forth in Sections 3-101 through 3-119 of  
23 the Nursing Home Care Act.

24 With the exception of those health care facilities  
25 specifically included in this Section, nothing in this Act  
26 shall be intended to include facilities operated as a part of

1 the practice of a physician or other licensed health care  
2 professional, whether practicing in his individual capacity or  
3 within the legal structure of any partnership, medical or  
4 professional corporation, or unincorporated medical or  
5 professional group. Further, this Act shall not apply to  
6 physicians or other licensed health care professional's  
7 practices where such practices are carried out in a portion of  
8 a health care facility under contract with such health care  
9 facility by a physician or by other licensed health care  
10 professionals, whether practicing in his individual capacity  
11 or within the legal structure of any partnership, medical or  
12 professional corporation, or unincorporated medical or  
13 professional groups. This Act shall apply to construction or  
14 modification and to establishment by such health care facility  
15 of such contracted portion which is subject to facility  
16 licensing requirements, irrespective of the party responsible  
17 for such action or attendant financial obligation.

18 "Person" means any one or more natural persons, legal  
19 entities, governmental bodies other than federal, or any  
20 combination thereof.

21 "Consumer" means any person other than a person (a) whose  
22 major occupation currently involves or whose official capacity  
23 within the last 12 months has involved the providing,  
24 administering or financing of any type of health care facility,  
25 (b) who is engaged in health research or the teaching of  
26 health, (c) who has a material financial interest in any

1 activity which involves the providing, administering or  
2 financing of any type of health care facility, or (d) who is or  
3 ever has been a member of the immediate family of the person  
4 defined by (a), (b), or (c).

5 "State Board" or "Board" means the Health Facilities and  
6 Services Review Board.

7 "Construction or modification" means the establishment,  
8 erection, building, alteration, reconstruction, modernization,  
9 improvement, extension, discontinuation, change of ownership,  
10 of or by a health care facility, or the purchase or acquisition  
11 by or through a health care facility of equipment or service  
12 for diagnostic or therapeutic purposes or for facility  
13 administration or operation, or any capital expenditure made by  
14 or on behalf of a health care facility which exceeds the  
15 capital expenditure minimum; however, any capital expenditure  
16 made by or on behalf of a health care facility for (i) the  
17 construction or modification of a facility licensed under the  
18 Assisted Living and Shared Housing Act or (ii) a conversion  
19 project undertaken in accordance with Section 30 of the Older  
20 Adult Services Act shall be excluded from any obligations under  
21 this Act.

22 "Establish" means the construction of a health care  
23 facility or the replacement of an existing facility on another  
24 site or the initiation of a category of service as defined by  
25 the Board.

26 "Major medical equipment" means medical equipment which is

1 used for the provision of medical and other health services and  
2 which costs in excess of the capital expenditure minimum,  
3 except that such term does not include medical equipment  
4 acquired by or on behalf of a clinical laboratory to provide  
5 clinical laboratory services if the clinical laboratory is  
6 independent of a physician's office and a hospital and it has  
7 been determined under Title XVIII of the Social Security Act to  
8 meet the requirements of paragraphs (10) and (11) of Section  
9 1861(s) of such Act. In determining whether medical equipment  
10 has a value in excess of the capital expenditure minimum, the  
11 value of studies, surveys, designs, plans, working drawings,  
12 specifications, and other activities essential to the  
13 acquisition of such equipment shall be included.

14 "Capital Expenditure" means an expenditure: (A) made by or  
15 on behalf of a health care facility (as such a facility is  
16 defined in this Act); and (B) which under generally accepted  
17 accounting principles is not properly chargeable as an expense  
18 of operation and maintenance, or is made to obtain by lease or  
19 comparable arrangement any facility or part thereof or any  
20 equipment for a facility or part; and which exceeds the capital  
21 expenditure minimum.

22 For the purpose of this paragraph, the cost of any studies,  
23 surveys, designs, plans, working drawings, specifications, and  
24 other activities essential to the acquisition, improvement,  
25 expansion, or replacement of any plant or equipment with  
26 respect to which an expenditure is made shall be included in

1 determining if such expenditure exceeds the capital  
2 expenditures minimum. Unless otherwise interdependent, or  
3 submitted as one project by the applicant, components of  
4 construction or modification undertaken by means of a single  
5 construction contract or financed through the issuance of a  
6 single debt instrument shall not be grouped together as one  
7 project. Donations of equipment or facilities to a health care  
8 facility which if acquired directly by such facility would be  
9 subject to review under this Act shall be considered capital  
10 expenditures, and a transfer of equipment or facilities for  
11 less than fair market value shall be considered a capital  
12 expenditure for purposes of this Act if a transfer of the  
13 equipment or facilities at fair market value would be subject  
14 to review.

15 "Capital expenditure minimum" means \$11,500,000 for  
16 projects by hospital applicants, \$6,500,000 for applicants for  
17 projects related to skilled and intermediate care long-term  
18 care facilities licensed under the Nursing Home Care Act, and  
19 \$3,000,000 for projects by all other applicants, which shall be  
20 annually adjusted to reflect the increase in construction costs  
21 due to inflation, for major medical equipment and for all other  
22 capital expenditures.

23 "Non-clinical service area" means an area (i) for the  
24 benefit of the patients, visitors, staff, or employees of a  
25 health care facility and (ii) not directly related to the  
26 diagnosis, treatment, or rehabilitation of persons receiving

1 services from the health care facility. "Non-clinical service  
2 areas" include, but are not limited to, chapels; gift shops;  
3 news stands; computer systems; tunnels, walkways, and  
4 elevators; telephone systems; projects to comply with life  
5 safety codes; educational facilities; student housing;  
6 patient, employee, staff, and visitor dining areas;  
7 administration and volunteer offices; modernization of  
8 structural components (such as roof replacement and masonry  
9 work); boiler repair or replacement; vehicle maintenance and  
10 storage facilities; parking facilities; mechanical systems for  
11 heating, ventilation, and air conditioning; loading docks; and  
12 repair or replacement of carpeting, tile, wall coverings,  
13 window coverings or treatments, or furniture. Solely for the  
14 purpose of this definition, "non-clinical service area" does  
15 not include health and fitness centers.

16 "Areawide" means a major area of the State delineated on a  
17 geographic, demographic, and functional basis for health  
18 planning and for health service and having within it one or  
19 more local areas for health planning and health service. The  
20 term "region", as contrasted with the term "subregion", and the  
21 word "area" may be used synonymously with the term "areawide".

22 "Local" means a subarea of a delineated major area that on  
23 a geographic, demographic, and functional basis may be  
24 considered to be part of such major area. The term "subregion"  
25 may be used synonymously with the term "local".

26 "Physician" means a person licensed to practice in

1 accordance with the Medical Practice Act of 1987, as amended.

2 "Licensed health care professional" means a person  
3 licensed to practice a health profession under pertinent  
4 licensing statutes of the State of Illinois.

5 "Director" means the Director of the Illinois Department of  
6 Public Health.

7 "Agency" means the Illinois Department of Public Health.

8 "Alternative health care model" means a facility or program  
9 authorized under the Alternative Health Care Delivery Act.

10 "Out-of-state facility" means a person that is both (i)  
11 licensed as a hospital or as an ambulatory surgery center under  
12 the laws of another state or that qualifies as a hospital or an  
13 ambulatory surgery center under regulations adopted pursuant  
14 to the Social Security Act and (ii) not licensed under the  
15 Ambulatory Surgical Treatment Center Act, the Hospital  
16 Licensing Act, or the Nursing Home Care Act. Affiliates of  
17 out-of-state facilities shall be considered out-of-state  
18 facilities. Affiliates of Illinois licensed health care  
19 facilities 100% owned by an Illinois licensed health care  
20 facility, its parent, or Illinois physicians licensed to  
21 practice medicine in all its branches shall not be considered  
22 out-of-state facilities. Nothing in this definition shall be  
23 construed to include an office or any part of an office of a  
24 physician licensed to practice medicine in all its branches in  
25 Illinois that is not required to be licensed under the  
26 Ambulatory Surgical Treatment Center Act.

1 "Change of ownership of a health care facility" means a  
2 change in the person who has ownership or control of a health  
3 care facility's physical plant and capital assets. A change in  
4 ownership is indicated by the following transactions: sale,  
5 transfer, acquisition, lease, change of sponsorship, or other  
6 means of transferring control.

7 "Related person" means any person that: (i) is at least 50%  
8 owned, directly or indirectly, by either the health care  
9 facility or a person owning, directly or indirectly, at least  
10 50% of the health care facility; or (ii) owns, directly or  
11 indirectly, at least 50% of the health care facility.

12 "Charity care" means care provided by a health care  
13 facility for which the provider does not expect to receive  
14 payment from the patient or a third-party payer.

15 "Freestanding emergency center" means a facility subject  
16 to licensure under Section 32.5 of the Emergency Medical  
17 Services (EMS) Systems Act.

18 (Source: P.A. 95-331, eff. 8-21-07; 95-543, eff. 8-28-07;  
19 95-584, eff. 8-31-07; 95-727, eff. 6-30-08; 95-876, eff.  
20 8-21-08; 96-31, eff. 6-30-09.)

21 (Text of Section after amendment by P.A. 96-339)

22 (Section scheduled to be repealed on December 31, 2019)

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25 facilities and organizations:

1           1. An ambulatory surgical treatment center required to  
2           be licensed pursuant to the Ambulatory Surgical Treatment  
3           Center Act;

4           2. An institution, place, building, or agency required  
5           to be licensed pursuant to the Hospital Licensing Act;

6           3. Skilled and intermediate long term care facilities  
7           licensed under the Nursing Home Care Act;

8           3.5. Skilled and intermediate care facilities licensed  
9           under the MR/DD Community Care Act;

10          4. Hospitals, nursing homes, ambulatory surgical  
11          treatment centers, or kidney disease treatment centers  
12          maintained by the State or any department or agency  
13          thereof;

14          5. Kidney disease treatment centers, including a  
15          free-standing hemodialysis unit required to be licensed  
16          under the End Stage Renal Disease Facility Act;

17          6. An institution, place, building, or room used for  
18          the performance of outpatient surgical procedures that is  
19          leased, owned, or operated by or on behalf of an  
20          out-of-state facility;

21          7. An institution, place, building, or room used for  
22          provision of a health care category of service as defined  
23          by the Board, including, but not limited to, cardiac  
24          catheterization and open heart surgery; and

25          8. An institution, place, building, or room used for  
26          provision of major medical equipment used in the direct

1 clinical diagnosis or treatment of patients, and whose  
2 project cost is in excess of the capital expenditure  
3 minimum.

4 This Act shall not apply to the construction of any new  
5 facility or the renovation of any existing facility located on  
6 any campus facility as defined in Section 5-5.8b of the  
7 Illinois Public Aid Code, provided that the campus facility  
8 encompasses 30 or more contiguous acres and that the new or  
9 renovated facility is intended for use by a licensed  
10 residential facility.

11 No federally owned facility shall be subject to the  
12 provisions of this Act, nor facilities used solely for healing  
13 by prayer or spiritual means.

14 No facility licensed under the Supportive Residences  
15 Licensing Act or the Assisted Living and Shared Housing Act  
16 shall be subject to the provisions of this Act.

17 No facility established and operating under the  
18 Alternative Health Care Delivery Act as a children's respite  
19 care center alternative health care model demonstration  
20 program or as an Alzheimer's Disease Management Center  
21 alternative health care model demonstration program shall be  
22 subject to the provisions of this Act.

23 A facility designated as a supportive living facility that  
24 is in good standing with the program established under Section  
25 5-5.01a of the Illinois Public Aid Code shall not be subject to  
26 the provisions of this Act.

1           This Act does not apply to facilities granted waivers under  
2 Section 3-102.2 of the Nursing Home Care Act. However, if a  
3 demonstration project under that Act applies for a certificate  
4 of need to convert to a nursing facility, it shall meet the  
5 licensure and certificate of need requirements in effect as of  
6 the date of application.

7           This Act does not apply to a dialysis facility that  
8 provides only dialysis training, support, and related services  
9 to individuals with end stage renal disease who have elected to  
10 receive home dialysis. This Act does not apply to a dialysis  
11 unit located in a licensed nursing home that offers or provides  
12 dialysis-related services to residents with end stage renal  
13 disease who have elected to receive home dialysis within the  
14 nursing home. The Board, however, may require these dialysis  
15 facilities and licensed nursing homes to report statistical  
16 information on a quarterly basis to the Board to be used by the  
17 Board to conduct analyses on the need for proposed kidney  
18 disease treatment centers.

19           This Act shall not apply to the closure of an entity or a  
20 portion of an entity licensed under the Nursing Home Care Act  
21 or the MR/DD Community Care Act, with the exceptions of  
22 facilities operated by a county or Illinois Veterans Homes,  
23 that elects to convert, in whole or in part, to an assisted  
24 living or shared housing establishment licensed under the  
25 Assisted Living and Shared Housing Act.

26           This Act does not apply to any change of ownership of a

1 healthcare facility that is licensed under the Nursing Home  
2 Care Act or the MR/DD Community Care Act, with the exceptions  
3 of facilities operated by a county or Illinois Veterans Homes.  
4 Changes of ownership of facilities licensed under the Nursing  
5 Home Care Act must meet the requirements set forth in Sections  
6 3-101 through 3-119 of the Nursing Home Care Act.

7 With the exception of those health care facilities  
8 specifically included in this Section, nothing in this Act  
9 shall be intended to include facilities operated as a part of  
10 the practice of a physician or other licensed health care  
11 professional, whether practicing in his individual capacity or  
12 within the legal structure of any partnership, medical or  
13 professional corporation, or unincorporated medical or  
14 professional group. Further, this Act shall not apply to  
15 physicians or other licensed health care professional's  
16 practices where such practices are carried out in a portion of  
17 a health care facility under contract with such health care  
18 facility by a physician or by other licensed health care  
19 professionals, whether practicing in his individual capacity  
20 or within the legal structure of any partnership, medical or  
21 professional corporation, or unincorporated medical or  
22 professional groups. This Act shall apply to construction or  
23 modification and to establishment by such health care facility  
24 of such contracted portion which is subject to facility  
25 licensing requirements, irrespective of the party responsible  
26 for such action or attendant financial obligation.

1 "Person" means any one or more natural persons, legal  
2 entities, governmental bodies other than federal, or any  
3 combination thereof.

4 "Consumer" means any person other than a person (a) whose  
5 major occupation currently involves or whose official capacity  
6 within the last 12 months has involved the providing,  
7 administering or financing of any type of health care facility,  
8 (b) who is engaged in health research or the teaching of  
9 health, (c) who has a material financial interest in any  
10 activity which involves the providing, administering or  
11 financing of any type of health care facility, or (d) who is or  
12 ever has been a member of the immediate family of the person  
13 defined by (a), (b), or (c).

14 "State Board" or "Board" means the Health Facilities and  
15 Services Review Board.

16 "Construction or modification" means the establishment,  
17 erection, building, alteration, reconstruction, modernization,  
18 improvement, extension, discontinuation, change of ownership,  
19 of or by a health care facility, or the purchase or acquisition  
20 by or through a health care facility of equipment or service  
21 for diagnostic or therapeutic purposes or for facility  
22 administration or operation, or any capital expenditure made by  
23 or on behalf of a health care facility which exceeds the  
24 capital expenditure minimum; however, any capital expenditure  
25 made by or on behalf of a health care facility for (i) the  
26 construction or modification of a facility licensed under the

1 Assisted Living and Shared Housing Act or (ii) a conversion  
2 project undertaken in accordance with Section 30 of the Older  
3 Adult Services Act shall be excluded from any obligations under  
4 this Act.

5 "Establish" means the construction of a health care  
6 facility or the replacement of an existing facility on another  
7 site or the initiation of a category of service as defined by  
8 the Board.

9 "Major medical equipment" means medical equipment which is  
10 used for the provision of medical and other health services and  
11 which costs in excess of the capital expenditure minimum,  
12 except that such term does not include medical equipment  
13 acquired by or on behalf of a clinical laboratory to provide  
14 clinical laboratory services if the clinical laboratory is  
15 independent of a physician's office and a hospital and it has  
16 been determined under Title XVIII of the Social Security Act to  
17 meet the requirements of paragraphs (10) and (11) of Section  
18 1861(s) of such Act. In determining whether medical equipment  
19 has a value in excess of the capital expenditure minimum, the  
20 value of studies, surveys, designs, plans, working drawings,  
21 specifications, and other activities essential to the  
22 acquisition of such equipment shall be included.

23 "Capital Expenditure" means an expenditure: (A) made by or  
24 on behalf of a health care facility (as such a facility is  
25 defined in this Act); and (B) which under generally accepted  
26 accounting principles is not properly chargeable as an expense

1 of operation and maintenance, or is made to obtain by lease or  
2 comparable arrangement any facility or part thereof or any  
3 equipment for a facility or part; and which exceeds the capital  
4 expenditure minimum.

5 For the purpose of this paragraph, the cost of any studies,  
6 surveys, designs, plans, working drawings, specifications, and  
7 other activities essential to the acquisition, improvement,  
8 expansion, or replacement of any plant or equipment with  
9 respect to which an expenditure is made shall be included in  
10 determining if such expenditure exceeds the capital  
11 expenditures minimum. Unless otherwise interdependent, or  
12 submitted as one project by the applicant, components of  
13 construction or modification undertaken by means of a single  
14 construction contract or financed through the issuance of a  
15 single debt instrument shall not be grouped together as one  
16 project. Donations of equipment or facilities to a health care  
17 facility which if acquired directly by such facility would be  
18 subject to review under this Act shall be considered capital  
19 expenditures, and a transfer of equipment or facilities for  
20 less than fair market value shall be considered a capital  
21 expenditure for purposes of this Act if a transfer of the  
22 equipment or facilities at fair market value would be subject  
23 to review.

24 "Capital expenditure minimum" means \$11,500,000 for  
25 projects by hospital applicants, \$6,500,000 for applicants for  
26 projects related to skilled and intermediate care long-term

1 care facilities licensed under the Nursing Home Care Act, and  
2 \$3,000,000 for projects by all other applicants, which shall be  
3 annually adjusted to reflect the increase in construction costs  
4 due to inflation, for major medical equipment and for all other  
5 capital expenditures.

6 "Non-clinical service area" means an area (i) for the  
7 benefit of the patients, visitors, staff, or employees of a  
8 health care facility and (ii) not directly related to the  
9 diagnosis, treatment, or rehabilitation of persons receiving  
10 services from the health care facility. "Non-clinical service  
11 areas" include, but are not limited to, chapels; gift shops;  
12 news stands; computer systems; tunnels, walkways, and  
13 elevators; telephone systems; projects to comply with life  
14 safety codes; educational facilities; student housing;  
15 patient, employee, staff, and visitor dining areas;  
16 administration and volunteer offices; modernization of  
17 structural components (such as roof replacement and masonry  
18 work); boiler repair or replacement; vehicle maintenance and  
19 storage facilities; parking facilities; mechanical systems for  
20 heating, ventilation, and air conditioning; loading docks; and  
21 repair or replacement of carpeting, tile, wall coverings,  
22 window coverings or treatments, or furniture. Solely for the  
23 purpose of this definition, "non-clinical service area" does  
24 not include health and fitness centers.

25 "Areawide" means a major area of the State delineated on a  
26 geographic, demographic, and functional basis for health

1 planning and for health service and having within it one or  
2 more local areas for health planning and health service. The  
3 term "region", as contrasted with the term "subregion", and the  
4 word "area" may be used synonymously with the term "areawide".

5 "Local" means a subarea of a delineated major area that on  
6 a geographic, demographic, and functional basis may be  
7 considered to be part of such major area. The term "subregion"  
8 may be used synonymously with the term "local".

9 "Physician" means a person licensed to practice in  
10 accordance with the Medical Practice Act of 1987, as amended.

11 "Licensed health care professional" means a person  
12 licensed to practice a health profession under pertinent  
13 licensing statutes of the State of Illinois.

14 "Director" means the Director of the Illinois Department of  
15 Public Health.

16 "Agency" means the Illinois Department of Public Health.

17 "Alternative health care model" means a facility or program  
18 authorized under the Alternative Health Care Delivery Act.

19 "Out-of-state facility" means a person that is both (i)  
20 licensed as a hospital or as an ambulatory surgery center under  
21 the laws of another state or that qualifies as a hospital or an  
22 ambulatory surgery center under regulations adopted pursuant  
23 to the Social Security Act and (ii) not licensed under the  
24 Ambulatory Surgical Treatment Center Act, the Hospital  
25 Licensing Act, or the Nursing Home Care Act. Affiliates of  
26 out-of-state facilities shall be considered out-of-state

1 facilities. Affiliates of Illinois licensed health care  
2 facilities 100% owned by an Illinois licensed health care  
3 facility, its parent, or Illinois physicians licensed to  
4 practice medicine in all its branches shall not be considered  
5 out-of-state facilities. Nothing in this definition shall be  
6 construed to include an office or any part of an office of a  
7 physician licensed to practice medicine in all its branches in  
8 Illinois that is not required to be licensed under the  
9 Ambulatory Surgical Treatment Center Act.

10 "Change of ownership of a health care facility" means a  
11 change in the person who has ownership or control of a health  
12 care facility's physical plant and capital assets. A change in  
13 ownership is indicated by the following transactions: sale,  
14 transfer, acquisition, lease, change of sponsorship, or other  
15 means of transferring control.

16 "Related person" means any person that: (i) is at least 50%  
17 owned, directly or indirectly, by either the health care  
18 facility or a person owning, directly or indirectly, at least  
19 50% of the health care facility; or (ii) owns, directly or  
20 indirectly, at least 50% of the health care facility.

21 "Charity care" means care provided by a health care  
22 facility for which the provider does not expect to receive  
23 payment from the patient or a third-party payer.

24 "Freestanding emergency center" means a facility subject  
25 to licensure under Section 32.5 of the Emergency Medical  
26 Services (EMS) Systems Act.

1 (Source: P.A. 95-331, eff. 8-21-07; 95-543, eff. 8-28-07;  
2 95-584, eff. 8-31-07; 95-727, eff. 6-30-08; 95-876, eff.  
3 8-21-08; 96-31, eff. 6-30-09; 96-339, eff. 7-1-10; revised  
4 9-25-09.)

5 (20 ILCS 3960/12) (from Ch. 111 1/2, par. 1162)

6 (Text of Section before amendment by P.A. 96-339)

7 (Section scheduled to be repealed on December 31, 2019)

8 Sec. 12. Powers and duties of State Board. For purposes of  
9 this Act, the State Board shall exercise the following powers  
10 and duties:

11 (1) Prescribe rules, regulations, standards, criteria,  
12 procedures or reviews which may vary according to the purpose  
13 for which a particular review is being conducted or the type of  
14 project reviewed and which are required to carry out the  
15 provisions and purposes of this Act. Policies and procedures of  
16 the State Board shall take into consideration the priorities  
17 and needs of medically underserved areas and other health care  
18 services identified through the comprehensive health planning  
19 process, giving special consideration to the impact of projects  
20 on access to safety net services.

21 (2) Adopt procedures for public notice and hearing on all  
22 proposed rules, regulations, standards, criteria, and plans  
23 required to carry out the provisions of this Act.

24 (3) (Blank).

25 (4) Develop criteria and standards for health care

1 facilities planning, conduct statewide inventories of health  
2 care facilities, maintain an updated inventory on the Board's  
3 web site reflecting the most recent bed and service changes and  
4 updated need determinations when new census data become  
5 available or new need formulae are adopted, and develop health  
6 care facility plans which shall be utilized in the review of  
7 applications for permit under this Act. Such health facility  
8 plans shall be coordinated by the Board with pertinent State  
9 Plans. Inventories pursuant to this Section of skilled or  
10 intermediate care facilities licensed under the Nursing Home  
11 Care Act or nursing homes licensed under the Hospital Licensing  
12 Act shall be conducted on an annual basis no later than July 1  
13 of each year and shall include among the information requested  
14 a list of all services provided by a facility to its residents  
15 and to the community at large and differentiate between active  
16 and inactive beds.

17 In developing health care facility plans, the State Board  
18 shall consider, but shall not be limited to, the following:

19 (a) The size, composition and growth of the population  
20 of the area to be served;

21 (b) The number of existing and planned facilities  
22 offering similar programs;

23 (c) The extent of utilization of existing facilities;

24 (d) The availability of facilities which may serve as  
25 alternatives or substitutes;

26 (e) The availability of personnel necessary to the

1 operation of the facility;

2 (f) Multi-institutional planning and the establishment  
3 of multi-institutional systems where feasible;

4 (g) The financial and economic feasibility of proposed  
5 construction or modification; and

6 (h) In the case of health care facilities established  
7 by a religious body or denomination, the needs of the  
8 members of such religious body or denomination may be  
9 considered to be public need.

10 The health care facility plans which are developed and  
11 adopted in accordance with this Section shall form the basis  
12 for the plan of the State to deal most effectively with  
13 statewide health needs in regard to health care facilities.

14 (5) Coordinate with the Center for Comprehensive Health  
15 Planning and other state agencies having responsibilities  
16 affecting health care facilities, including those of licensure  
17 and cost reporting.

18 (6) Solicit, accept, hold and administer on behalf of the  
19 State any grants or bequests of money, securities or property  
20 for use by the State Board or Center for Comprehensive Health  
21 Planning in the administration of this Act; and enter into  
22 contracts consistent with the appropriations for purposes  
23 enumerated in this Act.

24 (7) The State Board shall prescribe procedures for review,  
25 standards, and criteria which shall be utilized to make  
26 periodic reviews and determinations of the appropriateness of

1 any existing health services being rendered by health care  
2 facilities subject to the Act. The State Board shall consider  
3 recommendations of the Board in making its determinations.

4 (8) Prescribe, in consultation with the Center for  
5 Comprehensive Health Planning, rules, regulations, standards,  
6 and criteria for the conduct of an expeditious review of  
7 applications for permits for projects of construction or  
8 modification of a health care facility, which projects are  
9 classified as emergency, substantive, or non-substantive in  
10 nature.

11 Six months after June 30, 2009 (the effective date of  
12 Public Act 96-31) ~~this amendatory Act of the 96th General~~  
13 ~~Assembly~~, substantive projects shall include no more than the  
14 following:

15 (a) Projects to construct (1) a new or replacement  
16 facility located on a new site or (2) a replacement  
17 facility located on the same site as the original facility  
18 and the cost of the replacement facility exceeds the  
19 capital expenditure minimum; ~~or~~

20 (b) Projects proposing a (1) new service or (2)  
21 discontinuation of a service, which shall be reviewed by  
22 the Board within 60 days; or ~~-~~

23 (c) Projects proposing a change in the bed capacity of  
24 a health care facility by an increase in the total number  
25 of beds or by a redistribution of beds among various  
26 categories of service or by a relocation of beds from one

1 physical facility or site to another by more than 20 beds  
2 or more than 10% of total bed capacity, as defined by the  
3 State Board, whichever is less, over a 2-year period.

4 The Chairman may approve applications for exemption that  
5 meet the criteria set forth in rules or refer them to the full  
6 Board. The Chairman may approve any unopposed application that  
7 meets all of the review criteria or refer them to the full  
8 Board.

9 Such rules shall not abridge the right of the Center for  
10 Comprehensive Health Planning to make recommendations on the  
11 classification and approval of projects, nor shall such rules  
12 prevent the conduct of a public hearing upon the timely request  
13 of an interested party. Such reviews shall not exceed 60 days  
14 from the date the application is declared to be complete.

15 (9) Prescribe rules, regulations, standards, and criteria  
16 pertaining to the granting of permits for construction and  
17 modifications which are emergent in nature and must be  
18 undertaken immediately to prevent or correct structural  
19 deficiencies or hazardous conditions that may harm or injure  
20 persons using the facility, as defined in the rules and  
21 regulations of the State Board. This procedure is exempt from  
22 public hearing requirements of this Act.

23 (10) Prescribe rules, regulations, standards and criteria  
24 for the conduct of an expeditious review, not exceeding 60  
25 days, of applications for permits for projects to construct or  
26 modify health care facilities which are needed for the care and

1 treatment of persons who have acquired immunodeficiency  
2 syndrome (AIDS) or related conditions.

3 (11) Issue written decisions upon request of the applicant  
4 or an adversely affected party to the Board within 30 days of  
5 the meeting in which a final decision has been made. A "final  
6 decision" for purposes of this Act is the decision to approve  
7 or deny an application, or take other actions permitted under  
8 this Act, at the time and date of the meeting that such action  
9 is scheduled by the Board. The staff of the State Board shall  
10 prepare a written copy of the final decision and the State  
11 Board shall approve a final copy for inclusion in the formal  
12 record.

13 (12) Require at least one of its members to participate in  
14 any public hearing, after the appointment of the 9 members to  
15 the Board.

16 (13) Provide a mechanism for the public to comment on, and  
17 request changes to, draft rules and standards.

18 (14) Implement public information campaigns to regularly  
19 inform the general public about the opportunity for public  
20 hearings and public hearing procedures.

21 (15) Establish a separate set of rules and guidelines for  
22 long-term care that recognizes that nursing homes are a  
23 different business line and service model from other regulated  
24 facilities. An open and transparent process shall be developed  
25 that considers the following: how skilled nursing fits in the  
26 continuum of care with other care providers, modernization of

1 nursing homes, establishment of more private rooms,  
2 development of alternative services, and current trends in  
3 long-term care services. The Chairman of the Board shall  
4 appoint a permanent Health Services Review Board Long-term Care  
5 Facility Advisory Subcommittee that shall develop and  
6 recommend to the Board the rules to be established by the Board  
7 under this paragraph (15). The Subcommittee shall also provide  
8 continuous review and commentary on policies and procedures  
9 relative to long-term care and the review of related projects.  
10 In consultation with other experts from the health field of  
11 long-term care, the Board and the Subcommittee shall study new  
12 approaches to the current bed need formula and Health Service  
13 Area boundaries to encourage flexibility and innovation in  
14 design models reflective of the changing long-term care  
15 marketplace and consumer preferences. The Board shall file the  
16 proposed related administrative rules for the separate rules  
17 and guidelines for long-term care required by this paragraph  
18 (15) by September 1, 2010. The Subcommittee shall be provided a  
19 reasonable and timely opportunity to review and comment on any  
20 review, revision, or updating of the criteria, standards,  
21 procedures, and rules used to evaluate project applications as  
22 provided under Section 12.3 of this Act prior to approval by  
23 the Board and promulgation of related rules.

24 (Source: P.A. 96-31, eff. 6-30-09.)

25 (Text of Section after amendment by P.A. 96-339)

1 (Section scheduled to be repealed on December 31, 2019)

2 Sec. 12. Powers and duties of State Board. For purposes of  
3 this Act, the State Board shall exercise the following powers  
4 and duties:

5 (1) Prescribe rules, regulations, standards, criteria,  
6 procedures or reviews which may vary according to the purpose  
7 for which a particular review is being conducted or the type of  
8 project reviewed and which are required to carry out the  
9 provisions and purposes of this Act. Policies and procedures of  
10 the State Board shall take into consideration the priorities  
11 and needs of medically underserved areas and other health care  
12 services identified through the comprehensive health planning  
13 process, giving special consideration to the impact of projects  
14 on access to safety net services.

15 (2) Adopt procedures for public notice and hearing on all  
16 proposed rules, regulations, standards, criteria, and plans  
17 required to carry out the provisions of this Act.

18 (3) (Blank).

19 (4) Develop criteria and standards for health care  
20 facilities planning, conduct statewide inventories of health  
21 care facilities, maintain an updated inventory on the Board's  
22 web site reflecting the most recent bed and service changes and  
23 updated need determinations when new census data become  
24 available or new need formulae are adopted, and develop health  
25 care facility plans which shall be utilized in the review of  
26 applications for permit under this Act. Such health facility

1 plans shall be coordinated by the Board with pertinent State  
2 Plans. Inventories pursuant to this Section of skilled or  
3 intermediate care facilities licensed under the Nursing Home  
4 Care Act, skilled or intermediate care facilities licensed  
5 under the MR/DD Community Care Act, or nursing homes licensed  
6 under the Hospital Licensing Act shall be conducted on an  
7 annual basis no later than July 1 of each year and shall  
8 include among the information requested a list of all services  
9 provided by a facility to its residents and to the community at  
10 large and differentiate between active and inactive beds.

11 In developing health care facility plans, the State Board  
12 shall consider, but shall not be limited to, the following:

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14 of the area to be served;

15 (b) The number of existing and planned facilities  
16 offering similar programs;

17 (c) The extent of utilization of existing facilities;

18 (d) The availability of facilities which may serve as  
19 alternatives or substitutes;

20 (e) The availability of personnel necessary to the  
21 operation of the facility;

22 (f) Multi-institutional planning and the establishment  
23 of multi-institutional systems where feasible;

24 (g) The financial and economic feasibility of proposed  
25 construction or modification; and

26 (h) In the case of health care facilities established

1 by a religious body or denomination, the needs of the  
2 members of such religious body or denomination may be  
3 considered to be public need.

4 The health care facility plans which are developed and  
5 adopted in accordance with this Section shall form the basis  
6 for the plan of the State to deal most effectively with  
7 statewide health needs in regard to health care facilities.

8 (5) Coordinate with the Center for Comprehensive Health  
9 Planning and other state agencies having responsibilities  
10 affecting health care facilities, including those of licensure  
11 and cost reporting.

12 (6) Solicit, accept, hold and administer on behalf of the  
13 State any grants or bequests of money, securities or property  
14 for use by the State Board or Center for Comprehensive Health  
15 Planning in the administration of this Act; and enter into  
16 contracts consistent with the appropriations for purposes  
17 enumerated in this Act.

18 (7) The State Board shall prescribe procedures for review,  
19 standards, and criteria which shall be utilized to make  
20 periodic reviews and determinations of the appropriateness of  
21 any existing health services being rendered by health care  
22 facilities subject to the Act. The State Board shall consider  
23 recommendations of the Board in making its determinations.

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3 classified as emergency, substantive, or non-substantive in  
4 nature.

5 Six months after June 30, 2009 (the effective date of  
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11 facility located on the same site as the original facility  
12 and the cost of the replacement facility exceeds the  
13 capital expenditure minimum; ~~or~~

14 (b) Projects proposing a (1) new service or (2)  
15 discontinuation of a service, which shall be reviewed by  
16 the Board within 60 days; or ~~or~~

17 (c) Projects proposing a change in the bed capacity of  
18 a health care facility by an increase in the total number  
19 of beds or by a redistribution of beds among various  
20 categories of service or by a relocation of beds from one  
21 physical facility or site to another by more than 20 beds  
22 or more than 10% of total bed capacity, as defined by the  
23 State Board, whichever is less, over a 2-year period.

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25 meet the criteria set forth in rules or refer them to the full  
26 Board. The Chairman may approve any unopposed application that

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2 Board.

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4 Comprehensive Health Planning to make recommendations on the  
5 classification and approval of projects, nor shall such rules  
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8 from the date the application is declared to be complete.

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13 deficiencies or hazardous conditions that may harm or injure  
14 persons using the facility, as defined in the rules and  
15 regulations of the State Board. This procedure is exempt from  
16 public hearing requirements of this Act.

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18 for the conduct of an expeditious review, not exceeding 60  
19 days, of applications for permits for projects to construct or  
20 modify health care facilities which are needed for the care and  
21 treatment of persons who have acquired immunodeficiency  
22 syndrome (AIDS) or related conditions.

23 (11) Issue written decisions upon request of the applicant  
24 or an adversely affected party to the Board within 30 days of  
25 the meeting in which a final decision has been made. A "final  
26 decision" for purposes of this Act is the decision to approve

1 or deny an application, or take other actions permitted under  
2 this Act, at the time and date of the meeting that such action  
3 is scheduled by the Board. The staff of the State Board shall  
4 prepare a written copy of the final decision and the State  
5 Board shall approve a final copy for inclusion in the formal  
6 record.

7 (12) Require at least one of its members to participate in  
8 any public hearing, after the appointment of the 9 members to  
9 the Board.

10 (13) Provide a mechanism for the public to comment on, and  
11 request changes to, draft rules and standards.

12 (14) Implement public information campaigns to regularly  
13 inform the general public about the opportunity for public  
14 hearings and public hearing procedures.

15 (15) Establish a separate set of rules and guidelines for  
16 long-term care that recognizes that nursing homes are a  
17 different business line and service model from other regulated  
18 facilities. An open and transparent process shall be developed  
19 that considers the following: how skilled nursing fits in the  
20 continuum of care with other care providers, modernization of  
21 nursing homes, establishment of more private rooms,  
22 development of alternative services, and current trends in  
23 long-term care services. The Chairman of the Board shall  
24 appoint a permanent Health Services Review Board Long-term Care  
25 Facility Advisory Subcommittee that shall develop and  
26 recommend to the Board the rules to be established by the Board

1 under this paragraph (15). The Subcommittee shall also provide  
2 continuous review and commentary on policies and procedures  
3 relative to long-term care and the review of related projects.  
4 In consultation with other experts from the health field of  
5 long-term care, the Board and the Subcommittee shall study new  
6 approaches to the current bed need formula and Health Service  
7 Area boundaries to encourage flexibility and innovation in  
8 design models reflective of the changing long-term care  
9 marketplace and consumer preferences. The Board shall file the  
10 proposed related administrative rules for the separate rules  
11 and guidelines for long-term care required by this paragraph  
12 (15) by September 1, 2010. The Subcommittee shall be provided a  
13 reasonable and timely opportunity to review and comment on any  
14 review, revision, or updating of the criteria, standards,  
15 procedures, and rules used to evaluate project applications as  
16 provided under Section 12.3 of this Act prior to approval by  
17 the Board and promulgation of related rules.

18 (Source: P.A. 96-31, eff. 6-30-09; 96-339, eff. 7-1-10; revised  
19 10-6-09.)

20 Section 135. The Commission on Government Forecasting and  
21 Accountability Act is amended by changing Section 2 as follows:

22 (25 ILCS 155/2) (from Ch. 63, par. 342)

23 Sec. 2. The Commission on Government Forecasting and  
24 Accountability, hereafter in this Act referred to as the

1 Commission, is created and is established as a legislative  
2 support services agency subject to the Legislative Commission  
3 Reorganization Act of 1984.

4 On January 15, 2005 (the effective date of Public Act  
5 93-1067) ~~this amendatory Act of the 93th General Assembly~~, the  
6 name of the Illinois Economic and Fiscal Commission is changed  
7 to the Commission on Government Forecasting and  
8 Accountability. References in any law, appropriation, rule,  
9 form, or other document to the Illinois Economic and Fiscal  
10 Commission are deemed, in appropriate contexts, to be  
11 references to the Commission on Government Forecasting and  
12 Accountability for all purposes. References in any law,  
13 appropriation, rule, form, or other document to the Executive  
14 Director of the Illinois Economic and Fiscal Commission are  
15 deemed, in appropriate contexts, to be references to the  
16 Executive Director of the Commission on Government Forecasting  
17 and Accountability for all purposes. For purposes of Section 9b  
18 of the State Finance Act, the Commission on Government  
19 Forecasting and Accountability is the successor to the Illinois  
20 Economic and Fiscal Commission.

21 (Source: P.A. 93-1067, eff. 1-15-05; revised 10-30-09.)

22 Section 140. The State Finance Act is amended by setting  
23 forth and renumbering multiple versions of Sections 5.710,  
24 5.719, 5.720, 5.723, and 5.724 and by changing Sections 8.49  
25 and 8h as follows:

1 (30 ILCS 105/5.710)

2 Sec. 5.710. The Money Follows the Person Budget Transfer  
3 Fund.

4 (Source: P.A. 95-744, eff. 7-18-08; 96-328, eff. 8-11-09.)

5 (30 ILCS 105/5.719)

6 Sec. 5.719. The Private College Academic Quality Assurance  
7 Fund.

8 (Source: P.A. 95-1046, eff. 3-27-09.)

9 (30 ILCS 105/5.720)

10 Sec. 5.720. The Academic Quality Assurance Fund.

11 (Source: P.A. 95-1046, eff. 3-27-09.)

12 (30 ILCS 105/5.721)

13 Sec. 5.721 ~~5.719~~. The Olympic Games and Paralympic Games  
14 Trust Fund.

15 (Source: P.A. 96-7, eff. 4-3-09; revised 4-14-09.)

16 (30 ILCS 105/5.722)

17 Sec. 5.722 ~~5.710~~. The Financial Institutions Settlement of  
18 2008 Fund.

19 (Source: P.A. 95-1047, eff. 4-6-09; revised 4-14-09.)

20 (30 ILCS 105/5.723)

1           Sec. 5.723. The Capital Projects Fund.

2           (Source: P.A. 96-34, eff. 7-13-09.)

3           (30 ILCS 105/5.724)

4           Sec. 5.724. The Local Government Video Gaming Distributive  
5 Fund.

6           (Source: P.A. 96-34, eff. 7-13-09.)

7           (30 ILCS 105/5.725)

8           Sec. 5.725 ~~5.719~~. American Recovery and Reinvestment Act  
9 Administrative Revolving Fund.

10          (Source: P.A. 96-45, eff. 7-15-09; revised 10-20-09.)

11          (30 ILCS 105/5.726)

12          (Section scheduled to be repealed on July 1, 2011)

13          Sec. 5.726 ~~5.719~~. The Performance-enhancing Substance  
14 Testing Fund. This Section is repealed on July 1, 2011.

15          (Source: P.A. 96-132, eff. 8-7-09; revised 10-20-09.)

16          (30 ILCS 105/5.727)

17          Sec. 5.727 ~~5.719~~. The Fire Station Revolving Loan Fund.

18          (Source: P.A. 96-135, eff. 8-7-09; revised 10-20-09.)

19          (30 ILCS 105/5.728)

20          Sec. 5.728 ~~5.719~~. The Farm Fresh Schools Program Fund.

21          (Source: P.A. 96-153, eff. 1-1-10; revised 10-20-09.)

1 (30 ILCS 105/5.729)

2 Sec. 5.729 ~~5.719~~. The Illinois Power Agency Renewable  
3 Energy Resources Fund.

4 (Source: P.A. 96-159, eff. 8-10-09; revised 10-20-09.)

5 (30 ILCS 105/5.730)

6 Sec. 5.730 ~~5.719~~. The Hospital Stroke Care Fund.

7 (Source: P.A. 96-514, eff. 1-1-10; revised 10-20-09.)

8 (30 ILCS 105/5.731)

9 Sec. 5.731 ~~5.719~~. The Department of Human Rights Training  
10 and Development Fund.

11 (Source: P.A. 96-548, eff. 1-1-10; revised 10-20-09.)

12 (30 ILCS 105/5.732)

13 Sec. 5.732 ~~5.719~~. The Trucking Environmental and Education  
14 Fund.

15 (Source: P.A. 96-576, eff. 8-18-09; revised 10-20-09.)

16 (30 ILCS 105/5.733)

17 Sec. 5.733 ~~5.719~~. The Illinois EMS Memorial Scholarship and  
18 Training Fund.

19 (Source: P.A. 96-591, eff. 8-18-09; revised 10-20-09.)

20 (30 ILCS 105/5.734)

1           Sec. 5.734 ~~5.719~~. The 2-1-1 Account Fund.

2           (Source: P.A. 96-599, eff. 1-1-10; revised 10-20-09.)

3           (30 ILCS 105/5.735)

4           Sec. 5.735 ~~5.719~~. The Intermodal Facilities Promotion  
5 Fund.

6           (Source: P.A. 96-602, eff. 8-21-09; revised 10-20-09.)

7           (30 ILCS 105/5.736)

8           Sec. 5.736 ~~5.719~~. The Hunger Relief Fund.

9           (Source: P.A. 96-604, eff. 8-24-09; revised 10-20-09.)

10          (30 ILCS 105/5.737)

11          Sec. 5.737 ~~5.719~~. The Public Interest Attorney Loan  
12 Repayment Assistance Fund.

13          (Source: P.A. 96-615, eff. 1-1-10; 96-768, eff. 1-1-10; revised  
14 10-20-09.)

15          (30 ILCS 105/5.738)

16          Sec. 5.738 ~~5.719~~. The Ex-Offender Fund.

17          (Source: P.A. 96-656, eff. 1-1-10; revised 10-20-09.)

18          (30 ILCS 105/5.739)

19          Sec. 5.739 ~~5.719~~. The Roadside Memorial Fund.

20          (Source: P.A. 96-667, eff. 8-25-09; revised 10-20-09.)

1 (30 ILCS 105/5.740)

2 Sec. 5.740 ~~5.719~~. The International Brotherhood of  
3 Teamsters Fund.

4 (Source: P.A. 96-687, eff. 1-1-10; revised 10-20-09.)

5 (30 ILCS 105/5.741)

6 Sec. 5.741 ~~5.719~~. The School Wind and Solar Generation  
7 Revolving Loan Fund.

8 (Source: P.A. 96-725, eff. 8-25-09; revised 10-20-09.)

9 (30 ILCS 105/5.742)

10 (This Section may contain text from a Public Act with a  
11 delayed effective date)

12 Sec. 5.742 ~~5.719~~. The Community Association Manager  
13 Licensing and Disciplinary Fund.

14 (Source: P.A. 96-726, eff. 7-1-10; revised 10-20-09.)

15 (30 ILCS 105/5.743)

16 Sec. 5.743 ~~5.719~~. The Private Sewage Disposal Program Fund.

17 (Source: P.A. 96-767, eff. 8-28-09; revised 10-20-09.)

18 (30 ILCS 105/5.744)

19 Sec. 5.744 ~~5.719~~. The 21st Century Workforce Development  
20 Fund.

21 (Source: P.A. 96-771, eff. 8-28-09; revised 10-20-09.)

1 (30 ILCS 105/5.745)

2 Sec. 5.745 ~~5.719~~. The Department of Human Rights Special  
3 Fund.

4 (Source: P.A. 96-786, eff. 1-1-10; revised 10-20-09.)

5 (30 ILCS 105/5.746)

6 Sec. 5.746 ~~5.720~~. The United Auto Workers' Fund.

7 (Source: P.A. 96-687, eff. 1-1-10; revised 10-21-09.)

8 (30 ILCS 105/5.747)

9 Sec. 5.747 ~~5.723~~. Court of Claims Federal Grant Fund.

10 (Source: P.A. 96-45, eff. 7-15-09; revised 10-21-09.)

11 (30 ILCS 105/5.748)

12 Sec. 5.748 ~~5.723~~. The Crisis Nursery Fund.

13 (Source: P.A. 96-627, eff. 8-24-09; revised 10-21-09.)

14 (30 ILCS 105/5.749)

15 Sec. 5.749 ~~5.723~~. The Stretcher Van Licensure Fund.

16 (Source: P.A. 96-702, eff. 8-25-09; revised 10-21-09.)

17 (30 ILCS 105/5.750)

18 Sec. 5.750 ~~5.723~~. The Metropolitan Pier and Exposition  
19 Authority Incentive Fund.

20 (Source: P.A. 96-739, eff. 1-1-10; revised 10-21-09.)

1 (30 ILCS 105/5.751)

2 Sec. 5.751 ~~5.723~~. The Long Term Care Ombudsman Fund.

3 (Source: P.A. 96-758, eff. 8-25-09; revised 10-21-09.)

4 (30 ILCS 105/5.752)

5 Sec. 5.752 ~~5.724~~. The Nursing Home Conversion Fund.

6 (Source: P.A. 96-758, eff. 8-25-09; revised 10-21-09.)

7 (30 ILCS 105/8.49)

8 Sec. 8.49. Special fund transfers.

9 (a) In order to maintain the integrity of special funds and  
10 improve stability in the General Revenue Fund, the following  
11 transfers are authorized from the designated funds into the  
12 General Revenue Fund:

13	Food and Drug Safety Fund .....	\$6,800
14	Penny Severns Breast, Cervical, and	
15	Ovarian Cancer Research Fund .....	\$33,300
16	Transportation Regulatory Fund .....	\$2,122,000
17	General Professions Dedicated Fund .....	\$3,511,900
18	Economic Research and Information Fund .....	\$1,120
19	Illinois Department of Agriculture	
20	Laboratory Services Revolving Fund .....	\$12,825
21	Drivers Education Fund .....	\$2,244,000
22	Aeronautics Fund .....	\$25,360
23	Fire Prevention Fund .....	\$10,400,000
24	Rural/Downstate Health Access Fund .....	\$1,700

1	Mental Health Fund .....	\$24,560,000
2	Illinois State Pharmacy Disciplinary Fund .....	\$2,054,100
3	Public Utility Fund .....	\$960,175
4	Alzheimer's Disease Research Fund .....	\$112,500
5	Radiation Protection Fund .....	\$92,250
6	Natural Heritage Endowment Trust Fund .....	\$250,000
7	Firearm Owner's Notification Fund .....	\$256,400
8	EPA Special State Projects Trust Fund .....	\$3,760,000
9	Solid Waste Management Fund .....	\$1,200,000
10	Illinois Gaming Law Enforcement Fund .....	\$141,000
11	Subtitle D Management Fund .....	\$375,000
12	Illinois State Medical Disciplinary Fund ....	\$11,277,200
13	Cemetery Consumer Protection Fund .....	\$658,000
14	Assistance to the Homeless Fund .....	\$13,800
15	Accessible Electronic Information	
16	Service Fund .....	\$10,000
17	CDLIS/AAMVAnet Trust Fund .....	\$110,000
18	Comptroller's Audit Expense Revolving Fund .....	\$31,200
19	Community Health Center Care Fund .....	\$450,000
20	Safe Bottled Water Fund .....	\$15,000
21	Facility Licensing Fund .....	\$363,600
22	Hansen-Therkelsen Memorial Deaf	
23	Student College Fund .....	\$503,700
24	Illinois Underground Utility Facilities	
25	Damage Prevention Fund .....	\$29,600
26	School District Emergency Financial	

1	Assistance Fund .....	\$2,059,200
2	Mental Health Transportation Fund .....	\$859
3	Registered Certified Public Accountants'	
4	Administration and Disciplinary Fund .....	\$34,600
5	State Crime Laboratory Fund .....	\$142,880
6	Agrichemical Incident Response Trust Fund .....	\$80,000
7	General Assembly Computer Equipment	
8	Revolving Fund .....	\$101,600
9	Weights and Measures Fund .....	\$625,000
10	Illinois School Asbestos Abatement Fund .....	\$299,600
11	Injured Workers' Benefit Fund .....	\$3,290,560
12	Violence Prevention Fund .....	\$79,500
13	Professional Regulation Evidence Fund .....	\$5,000
14	IPTIP Administrative Trust Fund .....	\$500,000
15	Diabetes Research Checkoff Fund .....	\$8,800
16	Ticket For The Cure Fund .....	\$1,200,000
17	Capital Development Board Revolving Fund .....	\$346,000
18	Professions Indirect Cost Fund .....	\$2,144,500
19	State Police DUI Fund .....	\$166,880
20	Medicaid Fraud and Abuse Prevention Fund .....	\$20,000
21	Illinois Health Facilities Planning Fund .....	\$1,392,400
22	Emergency Public Health Fund .....	\$875,000
23	TOMA Consumer Protection Fund .....	\$50,000
24	ISAC Accounts Receivable Fund .....	\$24,240
25	Fair and Exposition Fund .....	\$1,257,920
26	Department of Labor Special State Trust Fund.....	\$409,000

1	Public Health Water Permit Fund .....	\$24,500
2	Nursing Dedicated and Professional Fund .....	\$9,988,400
3	Optometric Licensing and Disciplinary	
4	Board Fund .....	\$995,800
5	Water Revolving Fund .....	\$4,960
6	Methamphetamine Law Enforcement Fund .....	\$50,000
7	Long Term Care Monitor/Receiver Fund .....	\$1,700,000
8	Home Care Services Agency Licensure Fund .....	\$48,000
9	Community Water Supply Laboratory Fund .....	\$600,000
10	Motor Fuel and Petroleum Standards Fund .....	\$41,416
11	Fertilizer Control Fund .....	\$162,520
12	Regulatory Fund .....	\$307,824
13	Used Tire Management Fund .....	\$8,853,552
14	Natural Areas Acquisition Fund .....	\$1,000,000
15	Working Capital Revolving Fund .....	\$6,450,000
16	Tax Recovery Fund .....	\$29,680
17	Professional Services Fund .....	\$3,500,000
18	Treasurer's Rental Fee Fund .....	\$155,000
19	Public Health Laboratory Services	
20	Revolving Fund .....	\$450,000
21	Provider Inquiry Trust Fund .....	\$200,000
22	Audit Expense Fund .....	\$5,972,190
23	Law Enforcement Camera Grant Fund .....	\$2,631,840
24	Child Labor and Day and Temporary Labor	
25	Services Enforcement Fund .....	\$490,000
26	Lead Poisoning Screening, Prevention,	

1	and Abatement Fund .....	\$100,000
2	Health and Human Services Medicaid	
3	Trust Fund .....	\$6,920,000
4	Prisoner Review Board Vehicle and	
5	Equipment Fund .....	\$147,900
6	Drug Treatment Fund .....	\$4,400,000
7	Feed Control Fund .....	\$625,000
8	Tanning Facility Permit Fund .....	\$20,000
9	Innovations in Long-Term Care Quality	
10	Demonstration Grants Fund .....	\$300,000
11	Plumbing Licensure and Program Fund .....	\$1,585,600
12	State Treasurer's Bank Services Trust Fund ....	\$6,800,000
13	State Police Motor Vehicle Theft	
14	Prevention Trust Fund .....	\$46,500
15	Insurance Premium Tax Refund Fund .....	\$58,700
16	Appraisal Administration Fund .....	\$378,400
17	Small Business Environmental Assistance Fund ....	\$24,080
18	Regulatory Evaluation and Basic	
19	Enforcement Fund .....	\$125,000
20	Gaining Early Awareness and Readiness	
21	for Undergraduate Programs Fund .....	\$15,000
22	Trauma Center Fund .....	\$4,000,000
23	EMS Assistance Fund .....	\$110,000
24	State College and University Trust Fund .....	\$20,204
25	University Grant Fund .....	\$5,608
26	DCEO Projects Fund .....	\$1,000,000

1	Alternate Fuels Fund .....	\$2,000,000
2	Multiple Sclerosis Research Fund .....	\$27,200
3	Livestock Management Facilities Fund .....	\$81,920
4	Second Injury Fund .....	\$615,680
5	Agricultural Master Fund .....	\$136,984
6	High Speed Internet Services and	
7	Information Technology Fund .....	\$3,300,000
8	Illinois Tourism Tax Fund .....	\$250,000
9	Human Services Priority Capital Program Fund ..	\$7,378,400
10	Warrant Escheat Fund .....	\$1,394,161
11	State Asset Forfeiture Fund .....	\$321,600
12	Police Training Board Services Fund .....	\$8,000
13	Federal Asset Forfeiture Fund .....	\$1,760
14	Department of Corrections Reimbursement	
15	and Education Fund .....	\$250,000
16	Health Facility Plan Review Fund .....	\$1,543,600
17	Domestic Violence Abuser Services Fund .....	\$11,500
18	LEADS Maintenance Fund .....	\$166,800
19	State Offender DNA Identification	
20	System Fund .....	\$615,040
21	Illinois Historic Sites Fund .....	\$250,000
22	Comptroller's Administrative Fund .....	\$134,690
23	Workforce, Technology, and Economic	
24	Development .....	\$2,000,000
25	Pawnbroker Regulation Fund .....	\$26,400
26	Renewable Energy Resources Trust Fund .....	\$13,408,328

1	Charter Schools Revolving Loan Fund .....	\$82,000
2	School Technology Revolving Loan Fund .....	\$1,230,000
3	Energy Efficiency Trust Fund .....	\$1,490,000
4	Pesticide Control Fund .....	\$625,000
5	Juvenile Accountability Incentive Block	
6	Grant Fund .....	\$10,000
7	Multiple Sclerosis Assistance Fund .....	\$8,000
8	Temporary Relocation Expenses Revolving	
9	Grant Fund .....	\$460,000
10	Partners for Conservation Fund .....	\$8,200,000
11	Fund For Illinois' Future .....	\$3,000,000
12	Wireless Carrier Reimbursement Fund .....	\$13,650,000
13	International Tourism Fund .....	\$5,043,344
14	Illinois Racing Quarterhorse Breeders Fund .....	\$1,448
15	Death Certificate Surcharge Fund .....	\$900,000
16	State Police Wireless Service	
17	Emergency Fund .....	\$1,329,280
18	Illinois Adoption Registry and	
19	Medical Information Exchange Fund .....	\$8,400
20	Auction Regulation Administration Fund .....	\$361,600
21	DHS State Projects Fund .....	\$193,900
22	Auction Recovery Fund .....	\$4,600
23	Motor Carrier Safety Inspection Fund .....	\$389,840
24	Coal Development Fund .....	\$320,000
25	State Off-Set Claims Fund .....	\$400,000
26	Illinois Student Assistance Commission	

1	Contracts and Grants Fund .....	\$128,850
2	DHS Private Resources Fund .....	\$1,000,000
3	Assisted Living and Shared Housing	
4	Regulatory Fund .....	\$122,400
5	State Police Whistleblower Reward	
6	and Protection Fund .....	\$3,900,000
7	Illinois Standardbred Breeders Fund .....	\$134,608
8	Post Transplant Maintenance and	
9	Retention Fund .....	\$85,800
10	Spinal Cord Injury Paralysis Cure	
11	Research Trust Fund .....	\$300,000
12	Organ Donor Awareness Fund .....	\$115,000
13	Community Mental Health Medicaid Trust Fund ....	\$1,030,900
14	Illinois Clean Water Fund .....	\$8,649,600
15	Tobacco Settlement Recovery Fund .....	\$10,000,000
16	Alternative Compliance Market Account Fund .....	\$9,984
17	Group Workers' Compensation Pool	
18	Insolvency Fund .....	\$42,800
19	Medicaid Buy-In Program Revolving Fund .....	\$1,000,000
20	Home Inspector Administration Fund .....	\$1,225,200
21	Real Estate Audit Fund .....	\$1,200
22	Marine Corps Scholarship Fund .....	\$69,000
23	Tourism Promotion Fund .....	\$30,000,000
24	Oil Spill Response Fund .....	\$4,800
25	Presidential Library and Museum	
26	Operating Fund .....	\$169,900

1	Nuclear Safety Emergency Preparedness Fund	....	\$6,000,000
2	DCEO Energy Projects Fund	.....	\$2,176,200
3	Dram Shop Fund	.....	\$500,000
4	Illinois State Dental Disciplinary Fund	.....	\$187,300
5	Hazardous Waste Fund	.....	\$800,000
6	Natural Resources Restoration Trust Fund	.....	\$7,700
7	State Fair Promotional Activities Fund	.....	\$1,672
8	Continuing Legal Education Trust Fund	.....	\$10,550
9	Environmental Protection Trust Fund	.....	\$625,000
10	Real Estate Research and Education Fund	.....	\$1,081,000
11	Federal Moderate Rehabilitation		
12	Housing Fund	.....	\$44,960
13	Domestic Violence Shelter and Service Fund	.....	\$55,800
14	Snowmobile Trail Establishment Fund	.....	\$5,300
15	Drug Traffic Prevention Fund	.....	\$11,200
16	Traffic and Criminal Conviction		
17	Surcharge Fund	.....	\$5,400,000
18	Design Professionals Administration		
19	and Investigation Fund	.....	\$73,200
20	Public Health Special State Projects Fund	.....	\$1,900,000
21	Petroleum Violation Fund	.....	\$1,080
22	State Police Services Fund	.....	\$7,082,080
23	Illinois Wildlife Preservation Fund	.....	\$9,900
24	Youth Drug Abuse Prevention Fund	.....	\$133,500
25	Insurance Producer Administration Fund	.....	\$12,170,000
26	Coal Technology Development Assistance Fund	....	\$1,856,000

1	Child Abuse Prevention Fund .....	\$250,000
2	Hearing Instrument Dispenser Examining	
3	and Disciplinary Fund .....	\$50,400
4	Low-Level Radioactive Waste Facility	
5	Development and Operation Fund .....	\$1,000,000
6	Environmental Protection Permit and	
7	Inspection Fund .....	\$755,775
8	Landfill Closure and Post-Closure Fund .....	\$2,480
9	Narcotics Profit Forfeiture Fund .....	\$86,900
10	Illinois State Podiatric Disciplinary Fund .....	\$200,000
11	Vehicle Inspection Fund .....	\$5,000,000
12	Local Tourism Fund .....	\$10,999,280
13	Illinois Capital Revolving Loan Fund .....	\$3,856,904
14	Illinois Equity Fund .....	\$3,520
15	Large Business Attraction Fund .....	\$13,560
16	International and Promotional Fund .....	\$42,040
17	Public Infrastructure Construction	
18	Loan Revolving Fund .....	\$2,811,232
19	Insurance Financial Regulation Fund .....	\$5,881,180
20	TOTAL	\$351,738,973

21 All of these transfers shall be made in equal quarterly  
 22 installments with the first made on July 1, 2009, or as soon  
 23 thereafter as practical, and with the remaining transfers to be  
 24 made on October 1, January 1, and April 1, or as soon  
 25 thereafter as practical. These transfers shall be made  
 26 notwithstanding any other provision of State law to the

1 contrary.

2 (b) On and after the effective date of this amendatory Act  
3 of the 96th General Assembly through June 30, 2010, when any of  
4 the funds listed in subsection (a) have insufficient cash from  
5 which the State Comptroller may make expenditures properly  
6 supported by appropriations from the fund, then the State  
7 Treasurer and State Comptroller shall transfer from the General  
8 Revenue Fund to the fund such amount as is immediately  
9 necessary to satisfy outstanding expenditure obligations on a  
10 timely basis, subject to the provisions of the State Prompt  
11 Payment Act.

12 (c) If the Director of the Governor's Office of Management  
13 and Budget determines that any transfer to the General Revenue  
14 Fund from a special fund under subsection (a) either (i)  
15 jeopardizes federal funding based on a written communication  
16 from a federal official or (ii) violates an order of a court of  
17 competent jurisdiction, then the Director may order the State  
18 Treasurer and State Comptroller, in writing, to transfer from  
19 the General Revenue Fund to that listed special fund all or  
20 part of the amounts transferred from that special fund under  
21 subsection (a).

22 (Source: P.A. 96-44, eff. 7-15-09; 96-45, eff. 7-15-09; 96-150,  
23 eff. 8-7-09; revised 9-15-09.)

24 (30 ILCS 105/8h)

25 Sec. 8h. Transfers to General Revenue Fund.

1           (a) Except as otherwise provided in this Section and  
2 Section 8n of this Act, and notwithstanding any other State law  
3 to the contrary, the Governor may, through June 30, 2007, from  
4 time to time direct the State Treasurer and Comptroller to  
5 transfer a specified sum from any fund held by the State  
6 Treasurer to the General Revenue Fund in order to help defray  
7 the State's operating costs for the fiscal year. The total  
8 transfer under this Section from any fund in any fiscal year  
9 shall not exceed the lesser of (i) 8% of the revenues to be  
10 deposited into the fund during that fiscal year or (ii) an  
11 amount that leaves a remaining fund balance of 25% of the July  
12 1 fund balance of that fiscal year. In fiscal year 2005 only,  
13 prior to calculating the July 1, 2004 final balances, the  
14 Governor may calculate and direct the State Treasurer with the  
15 Comptroller to transfer additional amounts determined by  
16 applying the formula authorized in Public Act 93-839 to the  
17 funds balances on July 1, 2003. No transfer may be made from a  
18 fund under this Section that would have the effect of reducing  
19 the available balance in the fund to an amount less than the  
20 amount remaining unexpended and unreserved from the total  
21 appropriation from that fund estimated to be expended for that  
22 fiscal year. This Section does not apply to any funds that are  
23 restricted by federal law to a specific use, to any funds in  
24 the Motor Fuel Tax Fund, the Intercity Passenger Rail Fund, the  
25 Hospital Provider Fund, the Medicaid Provider Relief Fund, the  
26 Teacher Health Insurance Security Fund, the Voters' Guide Fund,

1 the Foreign Language Interpreter Fund, the Lawyers' Assistance  
2 Program Fund, the Supreme Court Federal Projects Fund, the  
3 Supreme Court Special State Projects Fund, the Supplemental  
4 Low-Income Energy Assistance Fund, the Good Samaritan Energy  
5 Trust Fund, the Low-Level Radioactive Waste Facility  
6 Development and Operation Fund, the Horse Racing Equity Trust  
7 Fund, the Metabolic Screening and Treatment Fund, or the  
8 Hospital Basic Services Preservation Fund, or to any funds to  
9 which Section 70-50 of the Nurse Practice Act applies. No  
10 transfers may be made under this Section from the Pet  
11 Population Control Fund. Notwithstanding any other provision  
12 of this Section, for fiscal year 2004, the total transfer under  
13 this Section from the Road Fund or the State Construction  
14 Account Fund shall not exceed the lesser of (i) 5% of the  
15 revenues to be deposited into the fund during that fiscal year  
16 or (ii) 25% of the beginning balance in the fund. For fiscal  
17 year 2005 through fiscal year 2007, no amounts may be  
18 transferred under this Section from the Road Fund, the State  
19 Construction Account Fund, the Criminal Justice Information  
20 Systems Trust Fund, the Wireless Service Emergency Fund, or the  
21 Mandatory Arbitration Fund.

22 In determining the available balance in a fund, the  
23 Governor may include receipts, transfers into the fund, and  
24 other resources anticipated to be available in the fund in that  
25 fiscal year.

26 The State Treasurer and Comptroller shall transfer the

1 amounts designated under this Section as soon as may be  
2 practicable after receiving the direction to transfer from the  
3 Governor.

4 (a-5) Transfers directed to be made under this Section on  
5 or before February 28, 2006 that are still pending on May 19,  
6 2006 (the effective date of Public Act 94-774) shall be  
7 redirected as provided in Section 8n of this Act.

8 (b) This Section does not apply to: (i) the Ticket For The  
9 Cure Fund; (ii) any fund established under the Community Senior  
10 Services and Resources Act; or (iii) on or after January 1,  
11 2006 (the effective date of Public Act 94-511), the Child Labor  
12 and Day and Temporary Labor Enforcement Fund.

13 (c) This Section does not apply to the Demutualization  
14 Trust Fund established under the Uniform Disposition of  
15 Unclaimed Property Act.

16 (d) This Section does not apply to moneys set aside in the  
17 Illinois State Podiatric Disciplinary Fund for podiatric  
18 scholarships and residency programs under the Podiatric  
19 Scholarship and Residency Act.

20 (e) Subsection (a) does not apply to, and no transfer may  
21 be made under this Section from, the Pension Stabilization  
22 Fund.

23 (f) Subsection (a) does not apply to, and no transfer may  
24 be made under this Section from, the Illinois Power Agency  
25 Operations Fund, the Illinois Power Agency Facilities Fund, the  
26 Illinois Power Agency Debt Service Fund, and the Illinois Power

1 Agency Trust Fund.

2 (g) This Section does not apply to the Veterans Service  
3 Organization Reimbursement Fund.

4 (h) This Section does not apply to the Supreme Court  
5 Historic Preservation Fund.

6 (i) This Section does not apply to, and no transfer may be  
7 made under this Section from, the Money Follows the Person  
8 Budget Transfer Fund.

9 (j) This Section does not apply to the Domestic Violence  
10 Shelter and Service Fund.

11 (k) ~~(j)~~ This Section does not apply to the Illinois  
12 Historic Sites Fund and the Presidential Library and Museum  
13 Operating Fund.

14 (l) ~~(j)~~ This Section does not apply to the Trucking  
15 Environmental and Education Fund.

16 (m) ~~(j)~~ This Section does not apply to the Roadside  
17 Memorial Fund.

18 (n) ~~(j)~~ This Section does not apply to the Department of  
19 Human Rights Special Fund.

20 (Source: P.A. 95-331, eff. 8-21-07; 95-410, eff. 8-24-07;  
21 95-481, eff. 8-28-07; 95-629, eff. 9-25-07; 95-639, eff.  
22 10-5-07; 95-695, eff. 11-5-07; 95-744, eff. 7-18-08; 95-876,  
23 eff. 8-21-08; 96-302, eff. 1-1-10; 96-450, eff. 8-14-09;  
24 96-511, eff. 8-14-09; 96-576, eff. 8-18-09; 96-667, eff.  
25 8-25-09; 96-786, eff. 1-1-10; revised 10-6-09.)

1 Section 145. The General Obligation Bond Act is amended by  
2 changing Sections 2, 3, and 7 as follows:

3 (30 ILCS 330/2) (from Ch. 127, par. 652)

4 Sec. 2. Authorization for Bonds. The State of Illinois is  
5 authorized to issue, sell and provide for the retirement of  
6 General Obligation Bonds of the State of Illinois for the  
7 categories and specific purposes expressed in Sections 2  
8 through 8 of this Act, in the total amount of \$36,967,777,443  
9 ~~\$33,501,777,443~~ ~~\$34,159,149,369~~.

10 The bonds authorized in this Section 2 and in Section 16 of  
11 this Act are herein called "Bonds".

12 Of the total amount of Bonds authorized in this Act, up to  
13 \$2,200,000,000 in aggregate original principal amount may be  
14 issued and sold in accordance with the Baccalaureate Savings  
15 Act in the form of General Obligation College Savings Bonds.

16 Of the total amount of Bonds authorized in this Act, up to  
17 \$300,000,000 in aggregate original principal amount may be  
18 issued and sold in accordance with the Retirement Savings Act  
19 in the form of General Obligation Retirement Savings Bonds.

20 Of the total amount of Bonds authorized in this Act, the  
21 additional \$10,000,000,000 authorized by Public Act 93-2 and  
22 the \$3,466,000,000 authorized by Public Act 96-43 ~~this~~  
23 ~~amendatory Act of the 96th General Assembly~~ shall be used  
24 solely as provided in Section 7.2.

25 The issuance and sale of Bonds pursuant to the General

1 Obligation Bond Act is an economical and efficient method of  
2 financing the long-term capital needs of the State. This Act  
3 will permit the issuance of a multi-purpose General Obligation  
4 Bond with uniform terms and features. This will not only lower  
5 the cost of registration but also reduce the overall cost of  
6 issuing debt by improving the marketability of Illinois General  
7 Obligation Bonds.

8 (Source: P.A. 95-1026, eff. 1-12-09; 96-5, eff. 4-3-09; 96-36,  
9 eff. 7-13-09; 96-43, eff. 7-15-09; revised 8-20-09.)

10 (30 ILCS 330/3) (from Ch. 127, par. 653)

11 Sec. 3. Capital Facilities. The amount of \$7,968,463,443 is  
12 authorized to be used for the acquisition, development,  
13 construction, reconstruction, improvement, financing,  
14 architectural planning and installation of capital facilities  
15 within the State, consisting of buildings, structures, durable  
16 equipment, land, interests in land, and the costs associated  
17 with the purchase and implementation of information  
18 technology, including but not limited to the purchase of  
19 hardware and software, for the following specific purposes:

20 (a) \$2,511,228,000 for educational purposes by State  
21 universities and colleges, the Illinois Community College  
22 Board created by the Public Community College Act and for  
23 grants to public community colleges as authorized by  
24 Sections 5-11 and 5-12 of the Public Community College Act;

25 (b) \$1,617,420,000 for correctional purposes at State

1 prison and correctional centers;

2 (c) \$575,183,000 for open spaces, recreational and  
3 conservation purposes and the protection of land;

4 (d) \$664,917,000 for child care facilities, mental and  
5 public health facilities, and facilities for the care of  
6 disabled veterans and their spouses;

7 (e) \$1,630,990,000 for use by the State, its  
8 departments, authorities, public corporations, commissions  
9 and agencies;

10 (f) \$818,100 for cargo handling facilities at port  
11 districts and for breakwaters, including harbor entrances,  
12 at port districts in conjunction with facilities for small  
13 boats and pleasure crafts;

14 (g) \$248,877,074 for water resource management  
15 projects;

16 (h) \$16,940,269 for the provision of facilities for  
17 food production research and related instructional and  
18 public service activities at the State universities and  
19 public community colleges;

20 (i) \$36,000,000 for grants by the Secretary of State,  
21 as State Librarian, for central library facilities  
22 authorized by Section 8 of the Illinois Library System Act  
23 and for grants by the Capital Development Board to units of  
24 local government for public library facilities;

25 (j) \$25,000,000 for the acquisition, development,  
26 construction, reconstruction, improvement, financing,

1 architectural planning and installation of capital  
2 facilities consisting of buildings, structures, durable  
3 equipment and land for grants to counties, municipalities  
4 or public building commissions with correctional  
5 facilities that do not comply with the minimum standards of  
6 the Department of Corrections under Section 3-15-2 of the  
7 Unified Code of Corrections;

8 (k) \$5,000,000 for grants in fiscal year 1988 by the  
9 Department of Conservation for improvement or expansion of  
10 aquarium facilities located on property owned by a park  
11 district;

12 (l) \$432,590,000 to State agencies for grants to local  
13 governments for the acquisition, financing, architectural  
14 planning, development, alteration, installation, and  
15 construction of capital facilities consisting of  
16 buildings, structures, durable equipment, and land; and

17 (m) \$203,500,000 for the Illinois Open Land Trust  
18 Program as defined by the Illinois Open Land Trust Act.

19 The amounts authorized above for capital facilities may be  
20 used for the acquisition, installation, alteration,  
21 construction, or reconstruction of capital facilities and for  
22 the purchase of equipment for the purpose of major capital  
23 improvements which will reduce energy consumption in State  
24 buildings or facilities.

25 (Source: P.A. 96-36, eff. 7-13-09; 96-37, eff. 7-13-09; revised  
26 8-20-09.)

1 (30 ILCS 330/7) (from Ch. 127, par. 657)

2 Sec. 7. Coal and Energy Development. The amount of  
3 \$698,200,000 is authorized to be used by the Department of  
4 Commerce and Economic Opportunity (formerly Department of  
5 Commerce and Community Affairs) for coal and energy development  
6 purposes, pursuant to Sections 2, 3 and 3.1 of the Illinois  
7 Coal and Energy Development Bond Act, for the purposes  
8 specified in Section 8.1 of the Energy Conservation and Coal  
9 Development Act, for the purposes specified in Section 605-332  
10 of the Department of Commerce and Economic Opportunity Law of  
11 the Civil Administrative Code of Illinois, and for the purpose  
12 of facility cost reports prepared pursuant to Sections 1-58  
13 ~~1-56~~ or 1-75(d) (4) of the Illinois Power Agency Act and for the  
14 purpose of development costs pursuant to Section 8.1 of the  
15 Energy Conservation and Coal Development Act. Of this amount:

16 (a) \$115,000,000 is for the specific purposes of  
17 acquisition, development, construction, reconstruction,  
18 improvement, financing, architectural and technical planning  
19 and installation of capital facilities consisting of  
20 buildings, structures, durable equipment, and land for the  
21 purpose of capital development of coal resources within the  
22 State and for the purposes specified in Section 8.1 of the  
23 Energy Conservation and Coal Development Act;

24 (b) \$35,000,000 is for the purposes specified in Section  
25 8.1 of the Energy Conservation and Coal Development Act and

1 making a grant to the owner of a generating station located in  
2 Illinois and having at least three coal-fired generating units  
3 with accredited summer capability greater than 500 megawatts  
4 each at such generating station as provided in Section 6 of  
5 that Bond Act;

6 (c) \$13,200,000 is for research, development and  
7 demonstration of forms of energy other than that derived from  
8 coal, either on or off State property;

9 (d) \$500,000,000 is for the purpose of providing financial  
10 assistance to new electric generating facilities as provided in  
11 Section 605-332 of the Department of Commerce and Economic  
12 Opportunity Law of the Civil Administrative Code of Illinois;  
13 and

14 (e) \$35,000,000 is for the purpose of facility cost reports  
15 prepared for not more than one facility pursuant to Section  
16 1-75(d)(4) of the Illinois Power Agency Act and not more than  
17 one facility pursuant to Section 1-58 ~~1-56~~ of the Illinois  
18 Power Agency Act and for the purpose of up to \$6,000,000 of  
19 development costs pursuant to Section 8.1 of the Energy  
20 Conservation and Coal Development Act.

21 (Source: P.A. 95-1026, eff. 1-12-09; 96-781, eff. 8-28-09;  
22 revised 10-13-09.)

23 Section 150. The Build Illinois Bond Act is amended by  
24 changing Section 4 as follows:

1 (30 ILCS 425/4) (from Ch. 127, par. 2804)

2 Sec. 4. Purposes of Bonds. Bonds shall be issued for the  
3 following purposes and in the approximate amounts as set forth  
4 below:

5 (a) \$2,917,000,000 for the expenses of issuance and sale of  
6 Bonds, including bond discounts, and for planning,  
7 engineering, acquisition, construction, reconstruction,  
8 development, improvement and extension of the public  
9 infrastructure in the State of Illinois, including: the making  
10 of loans or grants to local governments for waste disposal  
11 systems, water and sewer line extensions and water distribution  
12 and purification facilities, rail or air or water port  
13 improvements, gas and electric utility extensions, publicly  
14 owned industrial and commercial sites, buildings used for  
15 public administration purposes and other public infrastructure  
16 capital improvements; the making of loans or grants to units of  
17 local government for financing and construction of wastewater  
18 facilities, including grants to serve unincorporated areas;  
19 refinancing or retiring bonds issued between January 1, 1987  
20 and January 1, 1990 by home rule municipalities, debt service  
21 on which is provided from a tax imposed by home rule  
22 municipalities prior to January 1, 1990 on the sale of food and  
23 drugs pursuant to Section 8-11-1 of the Home Rule Municipal  
24 Retailers' Occupation Tax Act or Section 8-11-5 of the Home  
25 Rule Municipal Service Occupation Tax Act; the making of  
26 deposits not to exceed \$70,000,000 in the aggregate into the

1 Water Pollution Control Revolving Fund to provide assistance in  
2 accordance with the provisions of Title IV-A of the  
3 Environmental Protection Act; the planning, engineering,  
4 acquisition, construction, reconstruction, alteration,  
5 expansion, extension and improvement of highways, bridges,  
6 structures separating highways and railroads, rest areas,  
7 interchanges, access roads to and from any State or local  
8 highway and other transportation improvement projects which  
9 are related to economic development activities; the making of  
10 loans or grants for planning, engineering, rehabilitation,  
11 improvement or construction of rail and transit facilities; the  
12 planning, engineering, acquisition, construction,  
13 reconstruction and improvement of watershed, drainage, flood  
14 control, recreation and related improvements and facilities,  
15 including expenses related to land and easement acquisition,  
16 relocation, control structures, channel work and clearing and  
17 appurtenant work; the making of grants for improvement and  
18 development of zoos and park district field houses and related  
19 structures; and the making of grants for improvement and  
20 development of Navy Pier and related structures.

21 (b) \$196,000,000 for fostering economic development and  
22 increased employment and the well being of the citizens of  
23 Illinois, including: the making of grants for improvement and  
24 development of McCormick Place and related structures; the  
25 planning and construction of a microelectronics research  
26 center, including the planning, engineering, construction,

1 improvement, renovation and acquisition of buildings,  
2 equipment and related utility support systems; the making of  
3 loans to businesses and investments in small businesses;  
4 acquiring real properties for industrial or commercial site  
5 development; acquiring, rehabilitating and reconveying  
6 industrial and commercial properties for the purpose of  
7 expanding employment and encouraging private and other public  
8 sector investment in the economy of Illinois; the payment of  
9 expenses associated with siting the Superconducting Super  
10 Collider Particle Accelerator in Illinois and with its  
11 acquisition, construction, maintenance, operation, promotion  
12 and support; the making of loans for the planning, engineering,  
13 acquisition, construction, improvement and conversion of  
14 facilities and equipment which will foster the use of Illinois  
15 coal; the payment of expenses associated with the promotion,  
16 establishment, acquisition and operation of small business  
17 incubator facilities and agribusiness research facilities,  
18 including the lease, purchase, renovation, planning,  
19 engineering, construction and maintenance of buildings,  
20 utility support systems and equipment designated for such  
21 purposes and the establishment and maintenance of centralized  
22 support services within such facilities; and the making of  
23 grants or loans to units of local government for Urban  
24 Development Action Grant and Housing Partnership programs.

25 (c) \$1,352,358,100 for the development and improvement of  
26 educational, scientific, technical and vocational programs and

1 facilities and the expansion of health and human services for  
2 all citizens of Illinois, including: the making of construction  
3 and improvement grants and loans to public libraries and  
4 library systems; the making of grants and loans for planning,  
5 engineering, acquisition and construction of a new State  
6 central library in Springfield; the planning, engineering,  
7 acquisition and construction of an animal and dairy sciences  
8 facility; the planning, engineering, acquisition and  
9 construction of a campus and all related buildings, facilities,  
10 equipment and materials for Richland Community College; the  
11 acquisition, rehabilitation and installation of equipment and  
12 materials for scientific and historical surveys; the making of  
13 grants or loans for distribution to eligible vocational  
14 education instructional programs for the upgrading of  
15 vocational education programs, school shops and laboratories,  
16 including the acquisition, rehabilitation and installation of  
17 technical equipment and materials; the making of grants or  
18 loans for distribution to eligible local educational agencies  
19 for the upgrading of math and science instructional programs,  
20 including the acquisition of instructional equipment and  
21 materials; miscellaneous capital improvements for universities  
22 and community colleges including the planning, engineering,  
23 construction, reconstruction, remodeling, improvement, repair  
24 and installation of capital facilities and costs of planning,  
25 supplies, equipment, materials, services, and all other  
26 required expenses; the making of grants or loans for repair,

1 renovation and miscellaneous capital improvements for  
2 privately operated colleges and universities and community  
3 colleges, including the planning, engineering, acquisition,  
4 construction, reconstruction, remodeling, improvement, repair  
5 and installation of capital facilities and costs of planning,  
6 supplies, equipment, materials, services, and all other  
7 required expenses; and the making of grants or loans for  
8 distribution to local governments for hospital and other health  
9 care facilities including the planning, engineering,  
10 acquisition, construction, reconstruction, remodeling,  
11 improvement, repair and installation of capital facilities and  
12 costs of planning, supplies, equipment, materials, services  
13 and all other required expenses.

14 (d) \$150,150,900 for protection, preservation, restoration  
15 and conservation of environmental and natural resources,  
16 including: the making of grants to soil and water conservation  
17 districts for the planning and implementation of conservation  
18 practices and for funding contracts with the Soil Conservation  
19 Service for watershed planning; the making of grants to units  
20 of local government for the capital development and improvement  
21 of recreation areas, including planning and engineering costs,  
22 sewer projects, including planning and engineering costs and  
23 water projects, including planning and engineering costs, and  
24 for the acquisition of open space lands, including the  
25 acquisition of easements and other property interests of less  
26 than fee simple ownership; the acquisition and related costs

1 and development and management of natural heritage lands,  
2 including natural areas and areas providing habitat for  
3 endangered species and nongame wildlife, and buffer area lands;  
4 the acquisition and related costs and development and  
5 management of habitat lands, including forest, wildlife  
6 habitat and wetlands; and the removal and disposition of  
7 hazardous substances, including the cost of project  
8 management, equipment, laboratory analysis, and contractual  
9 services necessary for preventative and corrective actions  
10 related to the preservation, restoration and conservation of  
11 the environment, including deposits not to exceed \$60,000,000  
12 in the aggregate into the Hazardous Waste Fund and the  
13 Brownfields Redevelopment Fund for improvements in accordance  
14 with the provisions of Titles V and XVII of the Environmental  
15 Protection Act.

16 (e) The amount specified in paragraph (a) above shall  
17 include an amount necessary to pay reasonable expenses of each  
18 issuance and sale of the Bonds, as specified in the related  
19 Bond Sale Order (hereinafter defined).

20 (f) Any unexpended proceeds from any sale of Bonds which  
21 are held in the Build Illinois Bond Fund may be used to redeem,  
22 purchase, advance refund, or defease any Bonds outstanding.

23 (Source: P.A. 96-36, eff. 7-13-09; 96-503, eff. 8-14-09;  
24 revised 10-6-09.)

25 Section 155. The Illinois Procurement Code is amended by

1 changing Sections 20-80, 50-11, and 50-60 as follows:

2 (30 ILCS 500/20-80)

3 (Text of Section before amendment by P.A. 96-795)

4 Sec. 20-80. Contract files.

5 (a) Written determinations. All written determinations  
6 required under this Article shall be placed in the contract  
7 file maintained by the chief procurement officer.

8 (b) Filing with Comptroller. Whenever a grant, defined  
9 pursuant to accounting standards established by the  
10 Comptroller, or a contract liability, except for: (1) contracts  
11 paid from personal services, or (2) contracts between the State  
12 and its employees to defer compensation in accordance with  
13 Article 24 of the Illinois Pension Code, exceeding \$10,000 is  
14 incurred by any State agency, a copy of the contract, purchase  
15 order, grant, or lease shall be filed with the Comptroller  
16 within 15 days thereafter. For each State contract for goods,  
17 supplies, or services awarded on or after July 1, 2010, the  
18 contracting agency shall provide the applicable rate and unit  
19 of measurement of the goods, supplies, or services on the  
20 contract obligation document as required by the Comptroller. If  
21 the contract obligation document that is submitted to the  
22 Comptroller contains the rate and unit of measurement of the  
23 goods, supplies, or services, the Comptroller shall provide  
24 that information on his or her official website. Any  
25 cancellation or modification to any such contract liability

1 shall be filed with the Comptroller within 15 days of its  
2 execution.

3 (c) Late filing affidavit. When a contract, purchase order,  
4 grant, or lease required to be filed by this Section has not  
5 been filed within 30 days of execution, the Comptroller shall  
6 refuse to issue a warrant for payment thereunder until the  
7 agency files with the Comptroller the contract, purchase order,  
8 grant, or lease and an affidavit, signed by the chief executive  
9 officer of the agency or his or her designee, setting forth an  
10 explanation of why the contract liability was not filed within  
11 30 days of execution. A copy of this affidavit shall be filed  
12 with the Auditor General.

13 (d) Professional and artistic services contracts. No  
14 voucher shall be submitted to the Comptroller for a warrant to  
15 be drawn for the payment of money from the State treasury or  
16 from other funds held by the State Treasurer on account of any  
17 contract for services involving professional or artistic  
18 skills involving an expenditure of more than \$5,000 for the  
19 same type of service at the same location during any fiscal  
20 year unless the contract is reduced to writing before the  
21 services are performed and filed with the Comptroller. When a  
22 contract for professional or artistic skills in excess of  
23 \$5,000 was not reduced to writing before the services were  
24 performed, the Comptroller shall refuse to issue a warrant for  
25 payment for the services until the State agency files with the  
26 Comptroller:

- 1           (1) a written contract covering the services, and  
2           (2) an affidavit, signed by the chief executive officer  
3 of the State agency or his or her designee, stating that  
4 the services for which payment is being made were agreed to  
5 before commencement of the services and setting forth an  
6 explanation of why the contract was not reduced to writing  
7 before the services commenced.

8 A copy of this affidavit shall be filed with the Auditor  
9 General. The Comptroller shall maintain professional or  
10 artistic service contracts filed under this Section separately  
11 from other filed contracts.

12           (e) Method of source selection. When a contract is filed  
13 with the Comptroller under this Section, the Comptroller's file  
14 shall identify the method of source selection used in obtaining  
15 the contract.

16 (Source: P.A. 96-794, eff. 1-1-10.)

17           (Text of Section after amendment by P.A. 96-795)

18           Sec. 20-80. Contract files.

19           (a) Written determinations. All written determinations  
20 required under this Article shall be placed in the contract  
21 file maintained by the chief procurement officer.

22           (b) Filing with Comptroller. Whenever a grant, defined  
23 pursuant to accounting standards established by the  
24 Comptroller, or a contract liability, except for: (1) contracts  
25 paid from personal services, or (2) contracts between the State

1 and its employees to defer compensation in accordance with  
2 Article 24 of the Illinois Pension Code, exceeding \$10,000 is  
3 incurred by any State agency, a copy of the contract, purchase  
4 order, grant, or lease shall be filed with the Comptroller  
5 within 15 days thereafter. For each State contract for goods,  
6 supplies, or services awarded on or after July 1, 2010, the  
7 contracting agency shall provide the applicable rate and unit  
8 of measurement of the goods, supplies, or services on the  
9 contract obligation document as required by the Comptroller. If  
10 the contract obligation document that is submitted to the  
11 Comptroller contains the rate and unit of measurement of the  
12 goods, supplies, or services, the Comptroller shall provide  
13 that information on his or her official website. Any  
14 cancellation or modification to any such contract liability  
15 shall be filed with the Comptroller within 15 days of its  
16 execution.

17 (c) Late filing affidavit. When a contract, purchase order,  
18 grant, or lease required to be filed by this Section has not  
19 been filed within 30 days of execution, the Comptroller shall  
20 refuse to issue a warrant for payment thereunder until the  
21 agency files with the Comptroller the contract, purchase order,  
22 grant, or lease and an affidavit, signed by the chief executive  
23 officer of the agency or his or her designee, setting forth an  
24 explanation of why the contract liability was not filed within  
25 30 days of execution. A copy of this affidavit shall be filed  
26 with the Auditor General.

1           (d) Timely execution of contracts. No voucher shall be  
2 submitted to the Comptroller for a warrant to be drawn for the  
3 payment of money from the State treasury or from other funds  
4 held by the State Treasurer on account of any contract unless  
5 the contract is reduced to writing before the services are  
6 performed and filed with the Comptroller. Vendors shall not be  
7 paid for any goods that were received or services that were  
8 rendered before the contract was reduced to writing and signed  
9 by all necessary parties. A chief procurement officer may  
10 request an exception to this subsection by submitting a written  
11 statement to the Comptroller and Treasurer setting forth the  
12 circumstances and reasons why the contract could not be reduced  
13 to writing before the supplies were received or services were  
14 performed. A waiver of this subsection must be approved by the  
15 Comptroller and Treasurer. ~~A copy of this affidavit shall be~~  
16 ~~filed with the Auditor General.~~ This Section shall not apply to  
17 emergency purchases if notice of the emergency purchase is  
18 filed with the Procurement Policy Board and published in the  
19 Bulletin as required by this Code.

20           (e) Method of source selection. When a contract is filed  
21 with the Comptroller under this Section, the Comptroller's file  
22 shall identify the method of source selection used in obtaining  
23 the contract.

24           (Source: P.A. 96-794, eff. 1-1-10; 96-795, eff. 7-1-10; (see  
25 Section 5 of P.A. 96-793 for the effective date of changes made  
26 by P.A. 96-795); revised 12-1-09.)

1 (30 ILCS 500/50-11)

2 (Text of Section before amendment by P.A. 96-795)

3 Sec. 50-11. Debt delinquency.

4 (a) No person shall submit a bid for or enter into a  
5 contract with a State agency under this Code if that person  
6 knows or should know that he or she or any affiliate is  
7 delinquent in the payment of any debt to the State, unless the  
8 person or affiliate has entered into a deferred payment plan to  
9 pay off the debt. For purposes of this Section, the phrase  
10 "delinquent in the payment of any debt" shall be determined by  
11 the Debt Collection Bureau. For purposes of this Section, the  
12 term "affiliate" means any entity that (1) directly,  
13 indirectly, or constructively controls another entity, (2) is  
14 directly, indirectly, or constructively controlled by another  
15 entity, or (3) is subject to the control of a common entity.  
16 For purposes of this subsection (a), a person controls an  
17 entity if the person owns, directly or individually, more than  
18 10% of the voting securities of that entity. As used in this  
19 subsection (a), the term "voting security" means a security  
20 that (1) confers upon the holder the right to vote for the  
21 election of members of the board of directors or similar  
22 governing body of the business or (2) is convertible into, or  
23 entitles the holder to receive upon its exercise, a security  
24 that confers such a right to vote. A general partnership  
25 interest is a voting security.

1           (b) Every bid submitted to and contract executed by the  
2 State shall contain a certification by the bidder or contractor  
3 that the contractor and its affiliate is not barred from being  
4 awarded a contract under this Section and that the contractor  
5 acknowledges that the contracting State agency may declare the  
6 contract void if the certification completed pursuant to this  
7 subsection (b) is false.

8           (Source: P.A. 96-493, eff. 1-1-10.)

9           (Text of Section after amendment by P.A. 96-795)

10          Sec. 50-11. Debt delinquency.

11          (a) No person shall submit a bid for or enter into a  
12 contract or subcontract under this Code if that person knows or  
13 should know that he or she or any affiliate is delinquent in  
14 the payment of any debt to the State, unless the person or  
15 affiliate has entered into a deferred payment plan to pay off  
16 the debt. For purposes of this Section, the phrase "delinquent  
17 in the payment of any debt" shall be determined by the Debt  
18 Collection Bureau. For purposes of this Section, the term  
19 "affiliate" means any entity that (1) directly, indirectly, or  
20 constructively controls another entity, (2) is directly,  
21 indirectly, or constructively controlled by another entity, or  
22 (3) is subject to the control of a common entity. For purposes  
23 of this subsection (a), a person controls an entity if the  
24 person owns, directly or individually, more than 10% of the  
25 voting securities of that entity. As used in this subsection

1 (a), the term "voting security" means a security that (1)  
2 confers upon the holder the right to vote for the election of  
3 members of the board of directors or similar governing body of  
4 the business or (2) is convertible into, or entitles the holder  
5 to receive upon its exercise, a security that confers such a  
6 right to vote. A general partnership interest is a voting  
7 security.

8 (b) Every bid submitted to and contract executed by the  
9 State and every subcontract subject to Section 20-120 of this  
10 Code shall contain a certification by the bidder, contractor,  
11 or subcontractor, respectively, that the contractor or the  
12 subcontractor and its affiliate is not barred from being  
13 awarded a contract or subcontract under this Section and  
14 acknowledges that the chief procurement officer may declare the  
15 related contract void if any of the certifications completed  
16 pursuant to this subsection (b) are false.

17 (Source: P.A. 96-493, eff. 1-1-10; 96-795, eff. 7-1-10 (see  
18 Section 5 of P.A. 96-793 for effective date of changes made by  
19 P.A. 96-795); revised 12-1-09.)

20 (30 ILCS 500/50-60)

21 (Text of Section before amendment by P.A. 96-795)

22 Sec. 50-60. Voidable contracts.

23 (a) If any contract is entered into or purchase or  
24 expenditure of funds is made in violation of this Code or any  
25 other law, the contract may be declared void by the chief

1 procurement officer or may be ratified and affirmed, provided  
2 the chief procurement officer determines that ratification is  
3 in the best interests of the State. If the contract is ratified  
4 and affirmed, it shall be without prejudice to the State's  
5 rights to any appropriate damages.

6 (b) If, during the term of a contract, the contracting  
7 agency determines that the contractor is delinquent in the  
8 payment of debt as set forth in Section 50-11 of this Code, the  
9 State agency may declare the contract void if it determines  
10 that voiding the contract is in the best interests of the  
11 State. The Debt Collection Bureau shall adopt rules for the  
12 implementation of this subsection (b).

13 (c) If, during the term of a contract, the contracting  
14 agency determines that the contractor is in violation of  
15 Section 50-10.5 of this Code, the contracting agency shall  
16 declare the contract void.

17 (Source: P.A. 96-493, eff. 1-1-10.)

18 (Text of Section after amendment by P.A. 96-795)

19 Sec. 50-60. Voidable contracts.

20 (a) If any contract or amendment thereto is entered into or  
21 purchase or expenditure of funds is made at any time in  
22 violation of this Code or any other law, the contract or  
23 amendment thereto may be declared void by the chief procurement  
24 officer or may be ratified and affirmed, provided the chief  
25 procurement officer determines that ratification is in the best

1 interests of the State. If the contract is ratified and  
2 affirmed, it shall be without prejudice to the State's rights  
3 to any appropriate damages.

4 (b) If, during the term of a contract, the chief  
5 procurement officer determines that the contractor is  
6 delinquent in the payment of debt as set forth in Section 50-11  
7 of this Code, the chief procurement officer may declare the  
8 contract void if it determines that voiding the contract is in  
9 the best interests of the State. The Debt Collection Bureau  
10 shall adopt rules for the implementation of this subsection  
11 (b).

12 (c) If, during the term of a contract, the chief  
13 procurement officer determines that the contractor is in  
14 violation of Section 50-10.5 of this Code, the chief  
15 procurement officer shall declare the contract void.

16 (d) If, during the term of a contract, the contracting  
17 agency learns from an annual certification or otherwise  
18 determines that the contractor no longer qualifies to enter  
19 into State contracts by reason of Section 50-5, 50-10, 50-12,  
20 50-14, or 50-14.5 of this Article, the chief procurement  
21 officer may declare the contract void if it determines that  
22 voiding the contract is in the best interests of the State.

23 (e) If, during the term of a contract, the chief  
24 procurement officer learns from an annual certification or  
25 otherwise determines that a subcontractor subject to Section  
26 20-120 no longer qualifies to enter into State contracts by

1 reason of Section 50-5, 50-10, 50-10.5, 50-11, 50-12, 50-14, or  
2 50-14.5 of this Article, the chief procurement officer may  
3 declare the related contract void if it determines that voiding  
4 the contract is in the best interests of the State.

5 (f) The changes to this Section made by Public Act 96-795  
6 ~~this amendatory Act of the 96th General Assembly~~ apply to  
7 actions taken by the chief procurement officer on or after July  
8 1, 2010 ~~its effective date.~~

9 (Source: P.A. 96-493, eff. 1-1-10; 96-795, eff. 7-1-10 (see  
10 Section 5 of P.A. 96-793 for the effective date of changes made  
11 by P.A. 96-795); revised 12-1-09.)

12 Section 160. The State Prompt Payment Act is amended by  
13 changing Section 3-2 as follows:

14 (30 ILCS 540/3-2)

15 Sec. 3-2. Beginning July 1, 1993, in any instance where a  
16 State official or agency is late in payment of a vendor's bill  
17 or invoice for goods or services furnished to the State, as  
18 defined in Section 1, properly approved in accordance with  
19 rules promulgated under Section 3-3, the State official or  
20 agency shall pay interest to the vendor in accordance with the  
21 following:

22 (1) Any bill, except a bill submitted under Article V  
23 of the Illinois Public Aid Code, approved for payment under  
24 this Section must be paid or the payment issued to the

1 payee within 60 days of receipt of a proper bill or  
2 invoice. If payment is not issued to the payee within this  
3 60 day period, an interest penalty of 1.0% of any amount  
4 approved and unpaid shall be added for each month or  
5 fraction thereof after the end of this 60 day period, until  
6 final payment is made. Any bill submitted under Article V  
7 of the Illinois Public Aid Code approved for payment under  
8 this Section must be paid or the payment issued to the  
9 payee within 60 days after receipt of a proper bill or  
10 invoice, and, if payment is not issued to the payee within  
11 this 60-day period, an interest penalty of 2.0% of any  
12 amount approved and unpaid shall be added for each month or  
13 fraction thereof after the end of this 60-day period, until  
14 final payment is made.

15 (1.1) A State agency shall review in a timely manner  
16 each bill or invoice after its receipt. If the State agency  
17 determines that the bill or invoice contains a defect  
18 making it unable to process the payment request, the agency  
19 shall notify the vendor requesting payment as soon as  
20 possible after discovering the defect pursuant to rules  
21 promulgated under Section 3-3; provided, however, that the  
22 notice for construction related bills or invoices must be  
23 given not later than 30 days after the bill or invoice was  
24 first submitted. The notice shall identify the defect and  
25 any additional information necessary to correct the  
26 defect. If one or more items on a construction related bill

1 or invoice are disapproved, but not the entire bill or  
2 invoice, then the portion that is not disapproved shall be  
3 paid.

4 (2) Where a State official or agency is late in payment  
5 of a vendor's bill or invoice properly approved in  
6 accordance with this Act, and different late payment terms  
7 are not reduced to writing as a contractual agreement, the  
8 State official or agency shall automatically pay interest  
9 penalties required by this Section to the appropriate  
10 vendor. Each agency shall be responsible for determining  
11 whether an interest penalty is owed and for paying the  
12 interest to the vendor. In the event an individual has paid  
13 a vendor for services in advance, the provisions of this  
14 Section shall apply until payment is made to that  
15 individual.

16 (Source: P.A. 96-555, eff. 8-18-09; 96-802, eff. 1-1-10;  
17 revised 11-25-09.)

18 Section 165. The Public Construction Bond Act is amended by  
19 changing Sections 1 and 3 as follows:

20 (30 ILCS 550/1) (from Ch. 29, par. 15)

21 Sec. 1. Except as otherwise provided by this Act, all  
22 officials, boards, commissions, or agents of this State in  
23 making contracts for public work of any kind costing over  
24 \$50,000 to be performed for the State, and all officials,

1 boards, commissions, or agents of any political subdivision of  
2 this State in making contracts for public work of any kind  
3 costing over \$5,000 to be performed for the political  
4 subdivision, shall require every contractor for the work to  
5 furnish, supply and deliver a bond to the State, or to the  
6 political subdivision thereof entering into the contract, as  
7 the case may be, with good and sufficient sureties. The amount  
8 of the bond shall be fixed by the officials, boards,  
9 commissions, commissioners or agents, and the bond, among other  
10 conditions, shall be conditioned for the completion of the  
11 contract, for the payment of material used in the work and for  
12 all labor performed in the work, whether by subcontractor or  
13 otherwise.

14 If the contract is for emergency repairs as provided in the  
15 Illinois Procurement Code, proof of payment for all labor,  
16 materials, apparatus, fixtures, and machinery may be furnished  
17 in lieu of the bond required by this Section.

18 Each such bond is deemed to contain the following  
19 provisions whether such provisions are inserted in such bond or  
20 not:

21 "The principal and sureties on this bond agree that all the  
22 undertakings, covenants, terms, conditions and agreements of  
23 the contract or contracts entered into between the principal  
24 and the State or any political subdivision thereof will be  
25 performed and fulfilled and to pay all persons, firms and  
26 corporations having contracts with the principal or with

1 subcontractors, all just claims due them under the provisions  
2 of such contracts for labor performed or materials furnished in  
3 the performance of the contract on account of which this bond  
4 is given, when such claims are not satisfied out of the  
5 contract price of the contract on account of which this bond is  
6 given, after final settlement between the officer, board,  
7 commission or agent of the State or of any political  
8 subdivision thereof and the principal has been made.".

9 Each bond securing contracts between the Capital  
10 Development Board or any board of a public institution of  
11 higher education and a contractor shall contain the following  
12 provisions, whether the provisions are inserted in the bond or  
13 not:

14 "Upon the default of the principal with respect to  
15 undertakings, covenants, terms, conditions, and agreements,  
16 the termination of the contractor's right to proceed with the  
17 work, and written notice of that default and termination by the  
18 State or any political subdivision to the surety ("Notice"),  
19 the surety shall promptly remedy the default by taking one of  
20 the following actions:

21 (1) The surety shall complete the work pursuant to a  
22 written takeover agreement, using a completing contractor  
23 jointly selected by the surety and the State or any  
24 political subdivision; or

25 (2) The surety shall pay a sum of money to the obligee,  
26 up to the penal sum of the bond, that represents the

1 reasonable cost to complete the work that exceeds the  
2 unpaid balance of the contract sum.

3 The surety shall respond to the Notice within 15 working  
4 days of receipt indicating the course of action that it intends  
5 to take or advising that it requires more time to investigate  
6 the default and select a course of action. If the surety  
7 requires more than 15 working days to investigate the default  
8 and select a course of action or if the surety elects to  
9 complete the work with a completing contractor that is not  
10 prepared to commence performance within 15 working days after  
11 receipt of Notice, and if the State or any political  
12 subdivision determines it is in the best interest of the State  
13 to maintain the progress of the work, the State or any  
14 political subdivision may continue to work until the completing  
15 contractor is prepared to commence performance. Unless  
16 otherwise agreed to by the procuring agency, in no case may the  
17 surety take longer than 30 working days to advise the State or  
18 political subdivision on the course of action it intends to  
19 take. The surety shall be liable for reasonable costs incurred  
20 by the State or any political subdivision to maintain the  
21 progress to the extent the costs exceed the unpaid balance of  
22 the contract sum, subject to the penal sum of the bond."

23 The surety bond required by this Section may be acquired  
24 from the company, agent or broker of the contractor's choice.  
25 The bond and sureties shall be subject to the right of  
26 reasonable approval or disapproval, including suspension, by

1 the State or political subdivision thereof concerned. In the  
2 case of State construction contracts, a contractor shall not be  
3 required to post a cash bond or letter of credit in addition to  
4 or as a substitute for the surety bond required by this  
5 Section.

6 When other than motor fuel tax funds, federal-aid funds, or  
7 other funds received from the State are used, a political  
8 subdivision may allow the contractor to provide a  
9 non-diminishing irrevocable bank letter of credit, in lieu of  
10 the bond required by this Section, on contracts under \$100,000  
11 to comply with the requirements of this Section. Any such bank  
12 letter of credit shall contain all provisions required for  
13 bonds by this Section.

14 (Source: P.A. 95-1011, eff. 12-15-08; revised 10-30-09.)

15 (30 ILCS 550/3)

16 Sec. 3. Builder or developer cash bond or other surety.

17 (a) A county or municipality may not require a cash bond,  
18 irrevocable letter of credit, surety bond, or letter of  
19 commitment issued by a bank, savings and loan association,  
20 surety, or insurance company from a builder or developer to  
21 guarantee completion of a project improvement when the builder  
22 or developer has filed with the county or municipal clerk a  
23 current, irrevocable letter of credit, surety bond, or letter  
24 of commitment issued by a bank, savings and loan association,  
25 surety, or insurance company, deemed good and sufficient by the

1 county or municipality accepting such security, in an amount  
2 equal to or greater than 110% of the amount of the bid on each  
3 project improvement. A builder or developer has the option to  
4 utilize a cash bond, irrevocable letter of credit, surety bond,  
5 or letter of commitment, issued by a bank, savings and loan  
6 association, surety, or insurance company, deemed good and  
7 sufficient by the county or municipality, to satisfy any cash  
8 bond requirement established by a county or municipality.  
9 Except for a municipality or county with a population of  
10 1,000,000 or more, the county or municipality must approve and  
11 deem a surety or insurance company good and sufficient for the  
12 purposes set forth in this Section if the surety or insurance  
13 company is authorized by the Illinois Department of Insurance  
14 to sell and issue sureties in the State of Illinois.

15 (b) If a county or municipality receives a cash bond,  
16 irrevocable letter of credit, or surety bond from a builder or  
17 developer to guarantee completion of a project improvement, the  
18 county or municipality shall (i) register the bond under the  
19 address of the project and the construction permit number and  
20 (ii) give the builder or developer a receipt for the bond. The  
21 county or municipality shall establish and maintain a separate  
22 account for all cash bonds received from builders and  
23 developers to guarantee completion of a project improvement.

24 (c) The county or municipality shall refund a cash bond to  
25 a builder or developer, or release the irrevocable letter of  
26 credit or surety bond, within 60 days after the builder or

1 developer notifies the county or municipality in writing of the  
2 completion of the project improvement for which the bond was  
3 required. For these purposes, "completion" means that the  
4 county or municipality has determined that the project  
5 improvement for which the bond was required is complete or a  
6 licensed engineer or licensed architect has certified to the  
7 builder or developer and the county or municipality that the  
8 project improvement has been completed to the applicable codes  
9 and ordinances. The county or municipality shall pay interest  
10 to the builder or developer, beginning 60 days after the  
11 builder or developer notifies the county or municipality in  
12 writing of the completion of the project improvement, on any  
13 bond not refunded to a builder or developer, at the rate of 1%  
14 per month.

15 (d) A home rule county or municipality may not require or  
16 maintain cash bonds, irrevocable letters of credit, surety  
17 bonds, or letters of commitment issued by a bank, savings and  
18 loan association, surety, or insurance company from builders or  
19 developers in a manner inconsistent with this Section. This  
20 Section supersedes ~~supercedes~~ and controls over other  
21 provisions of the Counties Code or Illinois Municipal Code as  
22 they apply to and guarantee completion of a project improvement  
23 that is required by the county or municipality, regardless of  
24 whether the project improvement is a condition of annexation  
25 agreements. This Section is a denial and limitation under  
26 subsection (i) of Section 6 of Article VII of the Illinois

1 Constitution on the concurrent exercise by a home rule county  
2 or municipality of powers and functions exercised by the State.  
3 (Source: P.A. 92-479, eff. 1-1-02; revised 10-30-09.)

4 Section 170. The Business Enterprise for Minorities,  
5 Females, and Persons with Disabilities Act is amended by  
6 changing Sections 2 and 4 as follows:

7 (30 ILCS 575/2)

8 (Text of Section before amendment by P.A. 96-795)

9 (Section scheduled to be repealed on June 30, 2010)

10 Sec. 2. Definitions.

11 (A) For the purpose of this Act, the following terms shall  
12 have the following definitions:

13 (1) "Minority person" shall mean a person who is a citizen  
14 or lawful permanent resident of the United States and who is:

15 (a) African American (a person having origins in any of  
16 the black racial groups in Africa);

17 (b) Hispanic (a person of Spanish or Portuguese culture  
18 with origins in Mexico, South or Central America, or the  
19 Caribbean Islands, regardless of race);

20 (c) Asian American (a person having origins in any of  
21 the original peoples of the Far East, Southeast Asia, the  
22 Indian Subcontinent or the Pacific Islands); or

23 (d) Native American or Alaskan Native (a person having  
24 origins in any of the original peoples of North America).

1           (2) "Female" shall mean a person who is a citizen or lawful  
2 permanent resident of the United States and who is of the  
3 female gender.

4           (2.05) "Person with a disability" means a person who is a  
5 citizen or lawful resident of the United States and is a person  
6 qualifying as being disabled under subdivision (2.1) of this  
7 subsection (A).

8           (2.1) "Disabled" means a severe physical or mental  
9 disability that:

10           (a) results from:

11           amputation,

12           arthritis,

13           autism,

14           blindness,

15           burn injury,

16           cancer,

17           cerebral palsy,

18           Crohn's disease,

19           cystic fibrosis,

20           deafness,

21           head injury,

22           heart disease,

23           hemiplegia,

24           hemophilia,

25           respiratory or pulmonary dysfunction,

26           mental retardation,

1           mental illness,  
2           multiple sclerosis,  
3           muscular dystrophy,  
4           musculoskeletal disorders,  
5           neurological disorders, including stroke and epilepsy,  
6           paraplegia,  
7           quadriplegia and other spinal cord conditions,  
8           sickle cell anemia,  
9           ulcerative colitis,  
10          specific learning disabilities, or  
11          end stage renal failure disease; and

12          (b) substantially limits one or more of the person's major  
13          life activities.

14          Another disability or combination of disabilities may also  
15          be considered as a severe disability for the purposes of item  
16          (a) of this subdivision (2.1) if it is determined by an  
17          evaluation of rehabilitation potential to cause a comparable  
18          degree of substantial functional limitation similar to the  
19          specific list of disabilities listed in item (a) of this  
20          subdivision (2.1).

21          (3) "Minority owned business" means a business concern  
22          which is at least 51% owned by one or more minority persons, or  
23          in the case of a corporation, at least 51% of the stock in  
24          which is owned by one or more minority persons; and the  
25          management and daily business operations of which are  
26          controlled by one or more of the minority individuals who own

1 it.

2 (4) "Female owned business" means a business concern which  
3 is at least 51% owned by one or more females, or, in the case of  
4 a corporation, at least 51% of the stock in which is owned by  
5 one or more females; and the management and daily business  
6 operations of which are controlled by one or more of the  
7 females who own it.

8 (4.1) "Business owned by a person with a disability" means  
9 a business concern that is at least 51% owned by one or more  
10 persons with a disability and the management and daily business  
11 operations of which are controlled by one or more of the  
12 persons with disabilities who own it. A not-for-profit agency  
13 for persons with disabilities that is exempt from taxation  
14 under Section 501 of the Internal Revenue Code of 1986 is also  
15 considered a "business owned by a person with a disability".

16 (4.2) "Council" means the Business Enterprise Council for  
17 Minorities, Females, and Persons with Disabilities created  
18 under Section 5 of this Act.

19 (5) "State contracts" shall mean all State contracts,  
20 funded exclusively with State funds which are not subject to  
21 federal reimbursement, whether competitively bid or negotiated  
22 as defined by the Secretary of the Council and approved by the  
23 Council.

24 "State construction contracts" means all State contracts  
25 entered into by a State agency or State university for the  
26 repair, remodeling, renovation or construction of a building or

1 structure, or for the construction or maintenance of a highway  
2 defined in Article 2 of the Illinois Highway Code.

3 (6) "State agencies" shall mean all departments, officers,  
4 boards, commissions, institutions and bodies politic and  
5 corporate of the State, but does not include the Board of  
6 Trustees of the University of Illinois, the Board of Trustees  
7 of Southern Illinois University, the Board of Trustees of  
8 Chicago State University, the Board of Trustees of Eastern  
9 Illinois University, the Board of Trustees of Governors State  
10 University, the Board of Trustees of Illinois State University,  
11 the Board of Trustees of Northeastern Illinois University, the  
12 Board of Trustees of Northern Illinois University, the Board of  
13 Trustees of Western Illinois University, municipalities or  
14 other local governmental units, or other State constitutional  
15 officers.

16 (7) "State universities" shall mean the Board of Trustees  
17 of the University of Illinois, the Board of Trustees of  
18 Southern Illinois University, the Board of Trustees of Chicago  
19 State University, the Board of Trustees of Eastern Illinois  
20 University, the Board of Trustees of Governors State  
21 University, the Board of Trustees of Illinois State University,  
22 the Board of Trustees of Northeastern Illinois University, the  
23 Board of Trustees of Northern Illinois University, and the  
24 Board of Trustees of Western Illinois University.

25 (8) "Certification" means a determination made by the  
26 Council or by one delegated authority from the Council to make

1 certifications, or by a State agency with statutory authority  
2 to make such a certification, that a business entity is a  
3 business owned by a minority, female, or person with a  
4 disability for whatever purpose.

5 (9) "Control" means the exclusive or ultimate and sole  
6 control of the business including, but not limited to, capital  
7 investment and all other financial matters, property,  
8 acquisitions, contract negotiations, legal matters,  
9 officer-director-employee selection and comprehensive hiring,  
10 operating responsibilities, cost-control matters, income and  
11 dividend matters, financial transactions and rights of other  
12 shareholders or joint partners. Control shall be real,  
13 substantial and continuing, not pro forma. Control shall  
14 include the power to direct or cause the direction of the  
15 management and policies of the business and to make the  
16 day-to-day as well as major decisions in matters of policy,  
17 management and operations. Control shall be exemplified by  
18 possessing the requisite knowledge and expertise to run the  
19 particular business and control shall not include simple  
20 majority or absentee ownership.

21 (10) "Business concern or business" means a business that  
22 has average annual gross sales over the 3 most recent calendar  
23 years of less than \$31,400,000 as evidenced by the federal  
24 income tax return of the business. A firm with gross sales in  
25 excess of this cap may apply to the Council for certification  
26 for a particular contract if the firm can demonstrate that the

1 contract would have significant impact on businesses owned by  
2 minorities, females, or persons with disabilities as suppliers  
3 or subcontractors or in employment of minorities, females, or  
4 persons with disabilities.

5 (B) When a business concern is owned at least 51% by any  
6 combination of minority persons, females, or persons with  
7 disabilities, even though none of the 3 classes alone holds at  
8 least a 51% interest, the ownership requirement for purposes of  
9 this Act is considered to be met. The certification category  
10 for the business is that of the class holding the largest  
11 ownership interest in the business. If 2 or more classes have  
12 equal ownership interests, the certification category shall be  
13 determined by the Department of Central Management Services.

14 (Source: P.A. 95-344, eff. 8-21-07; 96-453, eff. 8-14-09.)

15 (Text of Section after amendment by P.A. 96-795)

16 (Section scheduled to be repealed on June 30, 2010)

17 Sec. 2. Definitions.

18 (A) For the purpose of this Act, the following terms shall  
19 have the following definitions:

20 (1) "Minority person" shall mean a person who is a citizen  
21 or lawful permanent resident of the United States and who is:

22 (a) African American (a person having origins in any of  
23 the black racial groups in Africa);

24 (b) Hispanic (a person of Spanish or Portuguese culture  
25 with origins in Mexico, South or Central America, or the

1 Caribbean Islands, regardless of race);

2 (c) Asian American (a person having origins in any of  
3 the original peoples of the Far East, Southeast Asia, the  
4 Indian Subcontinent or the Pacific Islands); or

5 (d) Native American or Alaskan Native (a person having  
6 origins in any of the original peoples of North America).

7 (2) "Female" shall mean a person who is a citizen or lawful  
8 permanent resident of the United States and who is of the  
9 female gender.

10 (2.05) "Person with a disability" means a person who is a  
11 citizen or lawful resident of the United States and is a person  
12 qualifying as being disabled under subdivision (2.1) of this  
13 subsection (A).

14 (2.1) "Disabled" means a severe physical or mental  
15 disability that:

16 (a) results from:

17 amputation,

18 arthritis,

19 autism,

20 blindness,

21 burn injury,

22 cancer,

23 cerebral palsy,

24 Crohn's disease,

25 cystic fibrosis,

26 deafness,

1 head injury,  
2 heart disease,  
3 hemiplegia,  
4 hemophilia,  
5 respiratory or pulmonary dysfunction,  
6 mental retardation,  
7 mental illness,  
8 multiple sclerosis,  
9 muscular dystrophy,  
10 musculoskeletal disorders,  
11 neurological disorders, including stroke and epilepsy,  
12 paraplegia,  
13 quadriplegia and other spinal cord conditions,  
14 sickle cell anemia,  
15 ulcerative colitis,  
16 specific learning disabilities, or  
17 end stage renal failure disease; and

18 (b) substantially limits one or more of the person's major  
19 life activities.

20 Another disability or combination of disabilities may also  
21 be considered as a severe disability for the purposes of item  
22 (a) of this subdivision (2.1) if it is determined by an  
23 evaluation of rehabilitation potential to cause a comparable  
24 degree of substantial functional limitation similar to the  
25 specific list of disabilities listed in item (a) of this  
26 subdivision (2.1).

1           (3) "Minority owned business" means a business concern  
2 which is at least 51% owned by one or more minority persons, or  
3 in the case of a corporation, at least 51% of the stock in  
4 which is owned by one or more minority persons; and the  
5 management and daily business operations of which are  
6 controlled by one or more of the minority individuals who own  
7 it.

8           (4) "Female owned business" means a business concern which  
9 is at least 51% owned by one or more females, or, in the case of  
10 a corporation, at least 51% of the stock in which is owned by  
11 one or more females; and the management and daily business  
12 operations of which are controlled by one or more of the  
13 females who own it.

14           (4.1) "Business owned by a person with a disability" means  
15 a business concern that is at least 51% owned by one or more  
16 persons with a disability and the management and daily business  
17 operations of which are controlled by one or more of the  
18 persons with disabilities who own it. A not-for-profit agency  
19 for persons with disabilities that is exempt from taxation  
20 under Section 501 of the Internal Revenue Code of 1986 is also  
21 considered a "business owned by a person with a disability".

22           (4.2) "Council" means the Business Enterprise Council for  
23 Minorities, Females, and Persons with Disabilities created  
24 under Section 5 of this Act.

25           (5) "State contracts" shall mean all State contracts,  
26 funded exclusively with State funds which are not subject to

1 federal reimbursement, whether competitively bid or negotiated  
2 as defined by the Secretary of the Council and approved by the  
3 Council.

4 "State construction contracts" means all State contracts  
5 entered into by a State agency or State university for the  
6 repair, remodeling, renovation or construction of a building or  
7 structure, or for the construction or maintenance of a highway  
8 defined in Article 2 of the Illinois Highway Code.

9 (6) "State agencies" shall mean all departments, officers,  
10 boards, commissions, institutions and bodies politic and  
11 corporate of the State, but does not include the Board of  
12 Trustees of the University of Illinois, the Board of Trustees  
13 of Southern Illinois University, the Board of Trustees of  
14 Chicago State University, the Board of Trustees of Eastern  
15 Illinois University, the Board of Trustees of Governors State  
16 University, the Board of Trustees of Illinois State University,  
17 the Board of Trustees of Northeastern Illinois University, the  
18 Board of Trustees of Northern Illinois University, the Board of  
19 Trustees of Western Illinois University, municipalities or  
20 other local governmental units, or other State constitutional  
21 officers.

22 (7) "State universities" shall mean the Board of Trustees  
23 of the University of Illinois, the Board of Trustees of  
24 Southern Illinois University, the Board of Trustees of Chicago  
25 State University, the Board of Trustees of Eastern Illinois  
26 University, the Board of Trustees of Governors State

1 University, the Board of Trustees of Illinois State University,  
2 the Board of Trustees of Northeastern Illinois University, the  
3 Board of Trustees of Northern Illinois University, and the  
4 Board of Trustees of Western Illinois University.

5 (8) "Certification" means a determination made by the  
6 Council or by one delegated authority from the Council to make  
7 certifications, or by a State agency with statutory authority  
8 to make such a certification, that a business entity is a  
9 business owned by a minority, female, or person with a  
10 disability for whatever purpose. A business owned and  
11 controlled by females shall select and designate whether such  
12 business is to be certified as a "Female-owned business" or  
13 "Minority-owned business" if the females are also minorities.

14 (9) "Control" means the exclusive or ultimate and sole  
15 control of the business including, but not limited to, capital  
16 investment and all other financial matters, property,  
17 acquisitions, contract negotiations, legal matters,  
18 officer-director-employee selection and comprehensive hiring,  
19 operating responsibilities, cost-control matters, income and  
20 dividend matters, financial transactions and rights of other  
21 shareholders or joint partners. Control shall be real,  
22 substantial and continuing, not pro forma. Control shall  
23 include the power to direct or cause the direction of the  
24 management and policies of the business and to make the  
25 day-to-day as well as major decisions in matters of policy,  
26 management and operations. Control shall be exemplified by

1 possessing the requisite knowledge and expertise to run the  
2 particular business and control shall not include simple  
3 majority or absentee ownership.

4 (10) "Business concern or business" means a business that  
5 has annual gross sales of less than \$75,000,000 as evidenced by  
6 the federal income tax return of the business. A firm with  
7 gross sales in excess of this cap may apply to the Council for  
8 certification for a particular contract if the firm can  
9 demonstrate that the contract would have significant impact on  
10 businesses owned by minorities, females, or persons with  
11 disabilities as suppliers or subcontractors or in employment of  
12 minorities, females, or persons with disabilities.

13 (B) When a business concern is owned at least 51% by any  
14 combination of minority persons, females, or persons with  
15 disabilities, even though none of the 3 classes alone holds at  
16 least a 51% interest, the ownership requirement for purposes of  
17 this Act is considered to be met. The certification category  
18 for the business is that of the class holding the largest  
19 ownership interest in the business. If 2 or more classes have  
20 equal ownership interests, the certification category shall be  
21 determined by the business concern.

22 (Source: P.A. 95-344, eff. 8-21-07; 96-453, eff. 8-14-09;  
23 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793 for effective  
24 date of changes made by P.A. 96-795); revised 12-1-09.)

25 (30 ILCS 575/4) (from Ch. 127, par. 132.604)

1 (Text of Section before amendment by P.A. 96-795)

2 (Section scheduled to be repealed on June 30, 2010)

3 Sec. 4. Award of State contracts.

4 (a) Except as provided in subsections (b) and (c), not less  
5 than 12% of the total dollar amount of State contracts, as  
6 defined by the Secretary of the Council and approved by the  
7 Council, shall be established as a goal to be awarded to  
8 businesses owned by minorities, females, and persons with  
9 disabilities; provided, however, that contracts representing  
10 at least five-twelfths of the total amount of all State  
11 contracts awarded to businesses owned by minorities, females,  
12 and persons with disabilities pursuant to this Section shall be  
13 awarded to female owned businesses, and that contracts  
14 representing at least one-sixth of the total amount of all  
15 State contracts awarded to businesses owned by minorities,  
16 females, and persons with disabilities pursuant to this Section  
17 shall be awarded to businesses owned by persons with  
18 disabilities.

19 The above percentage relates to the total dollar amount of  
20 State contracts during each State fiscal year, calculated by  
21 examining independently each type of contract for each agency  
22 or university which lets such contracts. Only that percentage  
23 of arrangements which represents the participation of  
24 businesses owned by minorities, females, and persons with  
25 disabilities on such contracts shall be included.

26 (b) In the case of State construction contracts, the

1 provisions of subsection (a) requiring a portion of State  
2 contracts to be awarded to businesses owned and controlled by  
3 persons with disabilities do not apply. Not less than 10% of  
4 the total dollar amount of State construction contracts is  
5 established as a goal to be awarded to minority and female  
6 owned businesses, and contracts representing 50% of the amount  
7 of all State construction contracts awarded to minority and  
8 female owned businesses shall be awarded to female owned  
9 businesses.

10 (c) In the case of all work undertaken by the University of  
11 Illinois related to the planning, organization, and staging of  
12 the games, the University of Illinois shall establish a goal of  
13 awarding not less than 25% of the annual dollar value of all  
14 contracts, purchase orders, and other agreements (collectively  
15 referred to as "the contracts") to minority-owned businesses or  
16 businesses owned by a person with a disability and 5% of the  
17 annual dollar value the contracts to female-owned businesses.  
18 For purposes of this subsection, the term "games" has the  
19 meaning set forth in the Olympic Games and Paralympic Games  
20 (2016) Law.

21 (d) ~~(e)~~ Within one year after April 28, 2009 (the effective  
22 date of Public Act 96-8) ~~this amendatory Act of the 96th~~  
23 ~~General Assembly~~, the Department of Central Management  
24 Services shall conduct a social scientific study that measures  
25 the impact of discrimination on minority and female business  
26 development in Illinois. Within 18 months after April 28, 2009

1 ~~(the effective date of Public Act 96-8) this amendatory Act,~~  
2 the Department shall issue a report of its findings and any  
3 recommendations on whether to adjust the goals for minority and  
4 female participation established in this Act. Copies of this  
5 report and the social scientific study shall be filed with the  
6 Governor and the General Assembly.

7 (e) ~~(e)~~ Those who submit bids or proposals for State  
8 contracts shall not be given a period after the bid or proposal  
9 is submitted to cure deficiencies in the bid or proposal under  
10 this Act unless mandated by federal law or regulation.

11 (Source: P.A. 96-7, eff. 4-3-09; 96-8, eff. 4-28-09; 96-706,  
12 eff. 8-25-09; revised 11-4-09.)

13 (Text of Section after amendment by P.A. 96-795)

14 (Section scheduled to be repealed on June 30, 2010)

15 Sec. 4. Award of State contracts.

16 (a) Except as provided in subsections (b) and (c), not less  
17 than 20% of the total dollar amount of State contracts, as  
18 defined by the Secretary of the Council and approved by the  
19 Council, shall be established as a goal to be awarded to  
20 businesses owned by minorities, females, and persons with  
21 disabilities; provided, however, that of the total amount of  
22 all State contracts awarded to businesses owned by minorities,  
23 females, and persons with disabilities pursuant to this  
24 Section, contracts representing at least 11% shall be awarded  
25 to businesses owned by minorities, contracts representing at

1 least 7% shall be awarded to female-owned businesses, and  
2 contracts representing at least 2% shall be awarded to  
3 businesses owned by persons with disabilities.

4 The above percentage relates to the total dollar amount of  
5 State contracts during each State fiscal year, calculated by  
6 examining independently each type of contract for each agency  
7 or university which lets such contracts. Only that percentage  
8 of arrangements which represents the participation of  
9 businesses owned by minorities, females, and persons with  
10 disabilities on such contracts shall be included.

11 (b) In the case of State construction contracts, the  
12 provisions of subsection (a) requiring a portion of State  
13 contracts to be awarded to businesses owned and controlled by  
14 persons with disabilities do not apply. Not less than 10% of  
15 the total dollar amount of State construction contracts is  
16 established as a goal to be awarded to minority and female  
17 owned businesses, and contracts representing 50% of the amount  
18 of all State construction contracts awarded to minority and  
19 female owned businesses shall be awarded to female owned  
20 businesses.

21 (c) In the case of all work undertaken by the University of  
22 Illinois related to the planning, organization, and staging of  
23 the games, the University of Illinois shall establish a goal of  
24 awarding not less than 25% of the annual dollar value of all  
25 contracts, purchase orders, and other agreements (collectively  
26 referred to as "the contracts") to minority-owned businesses or

1 businesses owned by a person with a disability and 5% of the  
2 annual dollar value the contracts to female-owned businesses.  
3 For purposes of this subsection, the term "games" has the  
4 meaning set forth in the Olympic Games and Paralympic Games  
5 (2016) Law.

6 (d) Within one year after April 28, 2009 (the effective  
7 date of Public Act 96-8), the Department of Central Management  
8 Services shall conduct a social scientific study that measures  
9 the impact of discrimination on minority and female business  
10 development in Illinois. Within 18 months after April 28, 2009  
11 (the effective date of Public Act 96-8), the Department shall  
12 issue a report of its findings and any recommendations on  
13 whether to adjust the goals for minority and female  
14 participation established in this Act. Copies of this report  
15 and the social scientific study shall be filed with the  
16 Governor and the General Assembly.

17 (e) ~~(e)~~ Those who submit bids or proposals for State  
18 contracts shall not be given a period after the bid or proposal  
19 is submitted to cure deficiencies in the bid or proposal under  
20 this Act unless mandated by federal law or regulation.

21 (Source: P.A. 96-7, eff. 4-3-09; 96-8, eff. 4-28-09; 96-706,  
22 eff. 8-25-09; 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
23 for the effective date of changes made by P.A. 96-795); revised  
24 11-4-09.)

25 Section 175. The State Property Control Act is amended by

1 changing Section 7.1 as follows:

2 (30 ILCS 605/7.1) (from Ch. 127, par. 133b10.1)

3 Sec. 7.1. (a) Except as otherwise provided by law, all  
4 surplus real property held by the State of Illinois shall be  
5 disposed of by the administrator as provided in this Section.  
6 "Surplus real property," as used in this Section, means any  
7 real property to which the State holds fee simple title or  
8 lesser interest, and is vacant, unoccupied or unused and which  
9 has no foreseeable use by the owning agency.

10 (b) All responsible officers shall submit an Annual Real  
11 Property Utilization Report to the Administrator, or annual  
12 update of such report, on forms required by the Administrator,  
13 by July 31 of each year. The Administrator may require such  
14 documentation as he deems reasonably necessary in connection  
15 with this Report, and shall require that such Report include  
16 the following information:

17 (1) A legal description of all real property owned by the  
18 State under the control of the responsible officer.

19 (2) A description of the use of the real property listed  
20 under (1).

21 (3) A list of any improvements made to such real property  
22 during the previous year.

23 (4) The dates on which the State first acquired its  
24 interest in such real property, and the purchase price and  
25 source of the funds used to acquire the property.

1           (5) Plans for the future use of currently unused real  
2 property.

3           (6) A declaration of any surplus real property. On or  
4 before October 31 of each year the Administrator shall furnish  
5 copies of each responsible officer's report along with a list  
6 of surplus property indexed by legislative district to the  
7 General Assembly.

8           This report shall be filed with the Speaker, the Minority  
9 Leader and the Clerk of the House of Representatives and the  
10 President, the Minority Leader and the Secretary of the Senate  
11 and shall be duplicated and made available to the members of  
12 the General Assembly for evaluation by such members for  
13 possible liquidation of unused public property at public sale.

14           (c) Following receipt of the Annual Real Property  
15 Utilization Report required under paragraph (b), the  
16 Administrator shall notify all State agencies by October 31 of  
17 all declared surplus real property. Any State agency may submit  
18 a written request to the Administrator, within 60 days of the  
19 date of such notification, to have control of surplus real  
20 property transferred to that agency. Such request must indicate  
21 the reason for the transfer and the intended use to be made of  
22 such surplus real property. The Administrator may deny any or  
23 all such requests by a State agency or agencies if the  
24 Administrator determines that it is more advantageous to the  
25 State to dispose of the surplus real property under paragraph  
26 (d). In case requests for the same surplus real property are

1 received from more than one State agency, the Administrator  
2 shall weigh the benefits to the State and determine to which  
3 agency, if any, to transfer control of such property. The  
4 Administrator shall coordinate the use and disposal of State  
5 surplus real property with any State space utilization program.

6 (d) Any surplus real property which is not transferred to  
7 the control of another State agency under paragraph (c) shall  
8 be disposed of by the Administrator. No appraisal is required  
9 if during his initial survey of surplus real property the  
10 Administrator determines such property has a fair market value  
11 of less than \$5,000. If the value of such property is  
12 determined by the Administrator in his initial survey to be  
13 \$5,000 or more, then the Administrator shall obtain 3  
14 appraisals of such real property, one of which shall be  
15 performed by an appraiser residing in the county in which said  
16 surplus real property is located. The average of these 3  
17 appraisals, plus the costs of obtaining the appraisals, shall  
18 represent the fair market value of the surplus real property.  
19 No surplus real property may be conveyed by the Administrator  
20 for less than the fair market value. Prior to offering the  
21 surplus real property for sale to the public the Administrator  
22 shall give notice in writing of the existence and fair market  
23 value of the surplus real property to the governing bodies of  
24 the county and of all cities, villages and incorporated towns  
25 in the county in which such real property is located. Any such  
26 governing body may exercise its option to acquire the surplus

1 real property for the fair market value within 60 days of the  
2 notice. After the 60 day period has passed, the Administrator  
3 may sell the surplus real property by public auction following  
4 notice of such sale by publication on 3 separate days not less  
5 than 15 nor more than 30 days prior to the sale in the State  
6 newspaper and in a newspaper having general circulation in the  
7 county in which the surplus real property is located. The  
8 Administrator shall post "For Sale" signs of a conspicuous  
9 nature on such surplus real property offered for sale to the  
10 public. If no acceptable offers for the surplus real property  
11 are received, the Administrator may have new appraisals of such  
12 property made. The Administrator shall have all power necessary  
13 to convey surplus real property under this Section. All moneys  
14 received for the sale of surplus real property shall be  
15 deposited in the General Revenue Fund, except that:

16 (1) Where moneys expended for the acquisition of such  
17 real property were from a special fund which is still a  
18 special fund in the State treasury, this special fund shall  
19 be reimbursed in the amount of the original expenditure and  
20 any amount in excess thereof shall be deposited in the  
21 General Revenue Fund.

22 (2) Whenever a State mental health facility operated by  
23 the Department of Human Services is closed and the real  
24 estate on which the facility is located is sold by the  
25 State, the net proceeds of the sale of the real estate  
26 shall be deposited into the Community Mental Health

1 Medicaid Trust Fund.

2 (3) Whenever a State developmental disabilities  
3 facility operated by the Department of Human Services is  
4 closed and the real estate on which the facility is located  
5 is sold by the State, the net proceeds of the sale of the  
6 real estate shall be deposited into the Community  
7 Developmental Disability Services Medicaid Trust Fund.

8 The Administrator shall have authority to order such  
9 surveys, abstracts of title, or commitments for title insurance  
10 as may, in his reasonable discretion, be deemed necessary to  
11 demonstrate to prospective purchasers or bidders good and  
12 marketable title in any property offered for sale pursuant to  
13 this Section. Unless otherwise specifically authorized by the  
14 General Assembly, all conveyances of property made by the  
15 Administrator shall be by quit claim deed.

16 (e) The Administrator shall submit an annual report on or  
17 before February 1 to the Governor and the General Assembly  
18 containing a detailed statement of surplus real property either  
19 transferred or conveyed under this Section.

20 (Source: P.A. 96-527, eff. 1-1-10; 96-660, eff. 8-25-09;  
21 revised 9-15-09.)

22 Section 180. The State Mandates Act is amended by changing  
23 Sections 8.32 and 8.33 as follows:

24 (30 ILCS 805/8.32)

1           Sec. 8.32. Exempt mandate. Notwithstanding Sections 6 and 8  
2 of this Act, no reimbursement by the State is required for the  
3 implementation of any mandate created by Public Act 95-741,  
4 95-812, 95-875, 95-910, 95-950, ~~or 95-978,~~ 95-1015, 95-1036,  
5 95-1049, or 95-1056 ~~this amendatory Act of the 95th General~~  
6 ~~Assembly.~~

7 (Source: P.A. 95-741, eff. 7-18-08; 95-812, eff. 8-13-08;  
8 95-875, eff. 1-1-09; 95-910, eff. 8-26-08; 95-950, eff.  
9 8-29-08; 95-978, eff. 1-1-09; 95-1015, eff. 12-15-08; 95-1036,  
10 eff. 2-17-09; 95-1049, eff. 1-1-10; 95-1056, eff. 4-10-09;  
11 96-328, eff. 8-11-09; revised 10-19-09.)

12           (30 ILCS 805/8.33)

13           (Text of Section before amendment by P.A. 96-410)

14           Sec. 8.33. Exempt mandate.

15           (a) Notwithstanding the provisions of Sections 6 and 8 of  
16 this Act, no reimbursement by the State is required for the  
17 implementation of Section 5-42 of the Olympic Games and  
18 Paralympic Games (2016) Law.

19           (b) Notwithstanding Sections 6 and 8 of this Act, no  
20 reimbursement by the State is required for the implementation  
21 of any mandate created by Public Act 96-139, 96-251, 96-260,  
22 96-285, 96-297, 96-299, 96-343, 96-357, 96-429, 96-494,  
23 96-505, 96-621, 96-650, 96-727, 96-745, 96-749, and 96-775 ~~this~~  
24 ~~amendatory Act of the 96th General Assembly.~~

25           (Source: P.A. 96-7, eff. 4-3-09; 96-139, eff. 1-1-10; 96-251,

1 eff. 8-11-09; 96-260, eff. 8-11-09; 96-285, eff. 8-11-09;  
2 96-297, eff. 8-11-09; 96-299, eff. 8-11-09; 96-299, eff.  
3 8-11-09; 96-343, eff. 8-11-09; 96-357, eff. 8-13-09; 96-429,  
4 eff. 8-13-09; 96-494, eff. 8-14-09; 96-505, eff. 8-14-09;  
5 96-621, eff. 1-1-10; 96-650, eff. 1-1-10; 96-727, eff. 8-25-09;  
6 96-745, eff. 8-25-09; 96-749, eff. 1-1-10; 96-775, eff.  
7 8-28-09; revised 10-21-09.)

8 (Text of Section after amendment by P.A. 96-410)

9 Sec. 8.33. Exempt mandate.

10 (a) Notwithstanding the provisions of Sections 6 and 8 of  
11 this Act, no reimbursement by the State is required for the  
12 implementation of Section 5-42 of the Olympic Games and  
13 Paralympic Games (2016) Law.

14 (b) Notwithstanding Sections 6 and 8 of this Act, no  
15 reimbursement by the State is required for the implementation  
16 of any mandate created by Public Act 96-139, 96-251, 96-260,  
17 96-285, 96-297, 96-299, 96-343, 96-357, 96-410, 96-429,  
18 96-494, 96-505, 96-621, 96-650, 96-727, 96-745, 96-749, and  
19 96-775 ~~this amendatory Act of the 96th General Assembly.~~

20 (Source: P.A. 96-7, eff. 4-3-09; 96-139, eff. 1-1-10; 96-251,  
21 eff. 8-11-09; 96-260, eff. 8-11-09; 96-285, eff. 8-11-09;  
22 96-297, eff. 8-11-09; 96-299, eff. 8-11-09; 96-299, eff.  
23 8-11-09; 96-343, eff. 8-11-09; 96-357, eff. 8-13-09; 96-410,  
24 eff. 7-1-10; 96-429, eff. 8-13-09; 96-494, eff. 8-14-09;  
25 96-505, eff. 8-14-09; 96-621, eff. 1-1-10; 96-650, eff. 1-1-10;

1 96-727, eff. 8-25-09; 96-745, eff. 8-25-09; 96-749, eff.  
2 1-1-10; 96-775, eff. 8-28-09; revised 10-21-09.)

3 Section 185. The Illinois Income Tax Act is amended by  
4 changing Sections 201, 606, and 807 and by setting forth,  
5 renumbering, and changing multiple versions of Section 507SS as  
6 follows:

7 (35 ILCS 5/201) (from Ch. 120, par. 2-201)

8 Sec. 201. Tax Imposed.

9 (a) In general. A tax measured by net income is hereby  
10 imposed on every individual, corporation, trust and estate for  
11 each taxable year ending after July 31, 1969 on the privilege  
12 of earning or receiving income in or as a resident of this  
13 State. Such tax shall be in addition to all other occupation or  
14 privilege taxes imposed by this State or by any municipal  
15 corporation or political subdivision thereof.

16 (b) Rates. The tax imposed by subsection (a) of this  
17 Section shall be determined as follows, except as adjusted by  
18 subsection (d-1):

19 (1) In the case of an individual, trust or estate, for  
20 taxable years ending prior to July 1, 1989, an amount equal  
21 to 2 1/2% of the taxpayer's net income for the taxable  
22 year.

23 (2) In the case of an individual, trust or estate, for  
24 taxable years beginning prior to July 1, 1989 and ending

1 after June 30, 1989, an amount equal to the sum of (i) 2  
2 1/2% of the taxpayer's net income for the period prior to  
3 July 1, 1989, as calculated under Section 202.3, and (ii)  
4 3% of the taxpayer's net income for the period after June  
5 30, 1989, as calculated under Section 202.3.

6 (3) In the case of an individual, trust or estate, for  
7 taxable years beginning after June 30, 1989, an amount  
8 equal to 3% of the taxpayer's net income for the taxable  
9 year.

10 (4) (Blank).

11 (5) (Blank).

12 (6) In the case of a corporation, for taxable years  
13 ending prior to July 1, 1989, an amount equal to 4% of the  
14 taxpayer's net income for the taxable year.

15 (7) In the case of a corporation, for taxable years  
16 beginning prior to July 1, 1989 and ending after June 30,  
17 1989, an amount equal to the sum of (i) 4% of the  
18 taxpayer's net income for the period prior to July 1, 1989,  
19 as calculated under Section 202.3, and (ii) 4.8% of the  
20 taxpayer's net income for the period after June 30, 1989,  
21 as calculated under Section 202.3.

22 (8) In the case of a corporation, for taxable years  
23 beginning after June 30, 1989, an amount equal to 4.8% of  
24 the taxpayer's net income for the taxable year.

25 (c) Personal Property Tax Replacement Income Tax.  
26 Beginning on July 1, 1979 and thereafter, in addition to such

1 income tax, there is also hereby imposed the Personal Property  
2 Tax Replacement Income Tax measured by net income on every  
3 corporation (including Subchapter S corporations), partnership  
4 and trust, for each taxable year ending after June 30, 1979.  
5 Such taxes are imposed on the privilege of earning or receiving  
6 income in or as a resident of this State. The Personal Property  
7 Tax Replacement Income Tax shall be in addition to the income  
8 tax imposed by subsections (a) and (b) of this Section and in  
9 addition to all other occupation or privilege taxes imposed by  
10 this State or by any municipal corporation or political  
11 subdivision thereof.

12 (d) Additional Personal Property Tax Replacement Income  
13 Tax Rates. The personal property tax replacement income tax  
14 imposed by this subsection and subsection (c) of this Section  
15 in the case of a corporation, other than a Subchapter S  
16 corporation and except as adjusted by subsection (d-1), shall  
17 be an additional amount equal to 2.85% of such taxpayer's net  
18 income for the taxable year, except that beginning on January  
19 1, 1981, and thereafter, the rate of 2.85% specified in this  
20 subsection shall be reduced to 2.5%, and in the case of a  
21 partnership, trust or a Subchapter S corporation shall be an  
22 additional amount equal to 1.5% of such taxpayer's net income  
23 for the taxable year.

24 (d-1) Rate reduction for certain foreign insurers. In the  
25 case of a foreign insurer, as defined by Section 35A-5 of the  
26 Illinois Insurance Code, whose state or country of domicile

1 imposes on insurers domiciled in Illinois a retaliatory tax  
2 (excluding any insurer whose premiums from reinsurance assumed  
3 are 50% or more of its total insurance premiums as determined  
4 under paragraph (2) of subsection (b) of Section 304, except  
5 that for purposes of this determination premiums from  
6 reinsurance do not include premiums from inter-affiliate  
7 reinsurance arrangements), beginning with taxable years ending  
8 on or after December 31, 1999, the sum of the rates of tax  
9 imposed by subsections (b) and (d) shall be reduced (but not  
10 increased) to the rate at which the total amount of tax imposed  
11 under this Act, net of all credits allowed under this Act,  
12 shall equal (i) the total amount of tax that would be imposed  
13 on the foreign insurer's net income allocable to Illinois for  
14 the taxable year by such foreign insurer's state or country of  
15 domicile if that net income were subject to all income taxes  
16 and taxes measured by net income imposed by such foreign  
17 insurer's state or country of domicile, net of all credits  
18 allowed or (ii) a rate of zero if no such tax is imposed on such  
19 income by the foreign insurer's state of domicile. For the  
20 purposes of this subsection (d-1), an inter-affiliate includes  
21 a mutual insurer under common management.

22 (1) For the purposes of subsection (d-1), in no event  
23 shall the sum of the rates of tax imposed by subsections  
24 (b) and (d) be reduced below the rate at which the sum of:

25 (A) the total amount of tax imposed on such foreign  
26 insurer under this Act for a taxable year, net of all

1 credits allowed under this Act, plus

2 (B) the privilege tax imposed by Section 409 of the  
3 Illinois Insurance Code, the fire insurance company  
4 tax imposed by Section 12 of the Fire Investigation  
5 Act, and the fire department taxes imposed under  
6 Section 11-10-1 of the Illinois Municipal Code,  
7 equals 1.25% for taxable years ending prior to December 31,  
8 2003, or 1.75% for taxable years ending on or after  
9 December 31, 2003, of the net taxable premiums written for  
10 the taxable year, as described by subsection (1) of Section  
11 409 of the Illinois Insurance Code. This paragraph will in  
12 no event increase the rates imposed under subsections (b)  
13 and (d).

14 (2) Any reduction in the rates of tax imposed by this  
15 subsection shall be applied first against the rates imposed  
16 by subsection (b) and only after the tax imposed by  
17 subsection (a) net of all credits allowed under this  
18 Section other than the credit allowed under subsection (i)  
19 has been reduced to zero, against the rates imposed by  
20 subsection (d).

21 This subsection (d-1) is exempt from the provisions of  
22 Section 250.

23 (e) Investment credit. A taxpayer shall be allowed a credit  
24 against the Personal Property Tax Replacement Income Tax for  
25 investment in qualified property.

26 (1) A taxpayer shall be allowed a credit equal to .5%

1 of the basis of qualified property placed in service during  
2 the taxable year, provided such property is placed in  
3 service on or after July 1, 1984. There shall be allowed an  
4 additional credit equal to .5% of the basis of qualified  
5 property placed in service during the taxable year,  
6 provided such property is placed in service on or after  
7 July 1, 1986, and the taxpayer's base employment within  
8 Illinois has increased by 1% or more over the preceding  
9 year as determined by the taxpayer's employment records  
10 filed with the Illinois Department of Employment Security.  
11 Taxpayers who are new to Illinois shall be deemed to have  
12 met the 1% growth in base employment for the first year in  
13 which they file employment records with the Illinois  
14 Department of Employment Security. The provisions added to  
15 this Section by Public Act 85-1200 (and restored by Public  
16 Act 87-895) shall be construed as declaratory of existing  
17 law and not as a new enactment. If, in any year, the  
18 increase in base employment within Illinois over the  
19 preceding year is less than 1%, the additional credit shall  
20 be limited to that percentage times a fraction, the  
21 numerator of which is .5% and the denominator of which is  
22 1%, but shall not exceed .5%. The investment credit shall  
23 not be allowed to the extent that it would reduce a  
24 taxpayer's liability in any tax year below zero, nor may  
25 any credit for qualified property be allowed for any year  
26 other than the year in which the property was placed in

1 service in Illinois. For tax years ending on or after  
2 December 31, 1987, and on or before December 31, 1988, the  
3 credit shall be allowed for the tax year in which the  
4 property is placed in service, or, if the amount of the  
5 credit exceeds the tax liability for that year, whether it  
6 exceeds the original liability or the liability as later  
7 amended, such excess may be carried forward and applied to  
8 the tax liability of the 5 taxable years following the  
9 excess credit years if the taxpayer (i) makes investments  
10 which cause the creation of a minimum of 2,000 full-time  
11 equivalent jobs in Illinois, (ii) is located in an  
12 enterprise zone established pursuant to the Illinois  
13 Enterprise Zone Act and (iii) is certified by the  
14 Department of Commerce and Community Affairs (now  
15 Department of Commerce and Economic Opportunity) as  
16 complying with the requirements specified in clause (i) and  
17 (ii) by July 1, 1986. The Department of Commerce and  
18 Community Affairs (now Department of Commerce and Economic  
19 Opportunity) shall notify the Department of Revenue of all  
20 such certifications immediately. For tax years ending  
21 after December 31, 1988, the credit shall be allowed for  
22 the tax year in which the property is placed in service,  
23 or, if the amount of the credit exceeds the tax liability  
24 for that year, whether it exceeds the original liability or  
25 the liability as later amended, such excess may be carried  
26 forward and applied to the tax liability of the 5 taxable

1 years following the excess credit years. The credit shall  
2 be applied to the earliest year for which there is a  
3 liability. If there is credit from more than one tax year  
4 that is available to offset a liability, earlier credit  
5 shall be applied first.

6 (2) The term "qualified property" means property  
7 which:

8 (A) is tangible, whether new or used, including  
9 buildings and structural components of buildings and  
10 signs that are real property, but not including land or  
11 improvements to real property that are not a structural  
12 component of a building such as landscaping, sewer  
13 lines, local access roads, fencing, parking lots, and  
14 other appurtenances;

15 (B) is depreciable pursuant to Section 167 of the  
16 Internal Revenue Code, except that "3-year property"  
17 as defined in Section 168(c)(2)(A) of that Code is not  
18 eligible for the credit provided by this subsection  
19 (e);

20 (C) is acquired by purchase as defined in Section  
21 179(d) of the Internal Revenue Code;

22 (D) is used in Illinois by a taxpayer who is  
23 primarily engaged in manufacturing, or in mining coal  
24 or fluorite, or in retailing, or was placed in service  
25 on or after July 1, 2006 in a River Edge Redevelopment  
26 Zone established pursuant to the River Edge

1           Redevelopment Zone Act; and

2                   (E) has not previously been used in Illinois in  
3           such a manner and by such a person as would qualify for  
4           the credit provided by this subsection (e) or  
5           subsection (f).

6           (3) For purposes of this subsection (e),  
7           "manufacturing" means the material staging and production  
8           of tangible personal property by procedures commonly  
9           regarded as manufacturing, processing, fabrication, or  
10          assembling which changes some existing material into new  
11          shapes, new qualities, or new combinations. For purposes of  
12          this subsection (e) the term "mining" shall have the same  
13          meaning as the term "mining" in Section 613(c) of the  
14          Internal Revenue Code. For purposes of this subsection (e),  
15          the term "retailing" means the sale of tangible personal  
16          property for use or consumption and not for resale, or  
17          services rendered in conjunction with the sale of tangible  
18          personal property for use or consumption and not for  
19          resale. For purposes of this subsection (e), "tangible  
20          personal property" has the same meaning as when that term  
21          is used in the Retailers' Occupation Tax Act, and, for  
22          taxable years ending after December 31, 2008, does not  
23          include the generation, transmission, or distribution of  
24          electricity.

25          (4) The basis of qualified property shall be the basis  
26          used to compute the depreciation deduction for federal

1 income tax purposes.

2 (5) If the basis of the property for federal income tax  
3 depreciation purposes is increased after it has been placed  
4 in service in Illinois by the taxpayer, the amount of such  
5 increase shall be deemed property placed in service on the  
6 date of such increase in basis.

7 (6) The term "placed in service" shall have the same  
8 meaning as under Section 46 of the Internal Revenue Code.

9 (7) If during any taxable year, any property ceases to  
10 be qualified property in the hands of the taxpayer within  
11 48 months after being placed in service, or the situs of  
12 any qualified property is moved outside Illinois within 48  
13 months after being placed in service, the Personal Property  
14 Tax Replacement Income Tax for such taxable year shall be  
15 increased. Such increase shall be determined by (i)  
16 recomputing the investment credit which would have been  
17 allowed for the year in which credit for such property was  
18 originally allowed by eliminating such property from such  
19 computation and, (ii) subtracting such recomputed credit  
20 from the amount of credit previously allowed. For the  
21 purposes of this paragraph (7), a reduction of the basis of  
22 qualified property resulting from a redetermination of the  
23 purchase price shall be deemed a disposition of qualified  
24 property to the extent of such reduction.

25 (8) Unless the investment credit is extended by law,  
26 the basis of qualified property shall not include costs

1 incurred after December 31, 2013, except for costs incurred  
2 pursuant to a binding contract entered into on or before  
3 December 31, 2013.

4 (9) Each taxable year ending before December 31, 2000,  
5 a partnership may elect to pass through to its partners the  
6 credits to which the partnership is entitled under this  
7 subsection (e) for the taxable year. A partner may use the  
8 credit allocated to him or her under this paragraph only  
9 against the tax imposed in subsections (c) and (d) of this  
10 Section. If the partnership makes that election, those  
11 credits shall be allocated among the partners in the  
12 partnership in accordance with the rules set forth in  
13 Section 704(b) of the Internal Revenue Code, and the rules  
14 promulgated under that Section, and the allocated amount of  
15 the credits shall be allowed to the partners for that  
16 taxable year. The partnership shall make this election on  
17 its Personal Property Tax Replacement Income Tax return for  
18 that taxable year. The election to pass through the credits  
19 shall be irrevocable.

20 For taxable years ending on or after December 31, 2000,  
21 a partner that qualifies its partnership for a subtraction  
22 under subparagraph (I) of paragraph (2) of subsection (d)  
23 of Section 203 or a shareholder that qualifies a Subchapter  
24 S corporation for a subtraction under subparagraph (S) of  
25 paragraph (2) of subsection (b) of Section 203 shall be  
26 allowed a credit under this subsection (e) equal to its

1 share of the credit earned under this subsection (e) during  
2 the taxable year by the partnership or Subchapter S  
3 corporation, determined in accordance with the  
4 determination of income and distributive share of income  
5 under Sections 702 and 704 and Subchapter S of the Internal  
6 Revenue Code. This paragraph is exempt from the provisions  
7 of Section 250.

8 (f) Investment credit; Enterprise Zone; River Edge  
9 Redevelopment Zone.

10 (1) A taxpayer shall be allowed a credit against the  
11 tax imposed by subsections (a) and (b) of this Section for  
12 investment in qualified property which is placed in service  
13 in an Enterprise Zone created pursuant to the Illinois  
14 Enterprise Zone Act or, for property placed in service on  
15 or after July 1, 2006, a River Edge Redevelopment Zone  
16 established pursuant to the River Edge Redevelopment Zone  
17 Act. For partners, shareholders of Subchapter S  
18 corporations, and owners of limited liability companies,  
19 if the liability company is treated as a partnership for  
20 purposes of federal and State income taxation, there shall  
21 be allowed a credit under this subsection (f) to be  
22 determined in accordance with the determination of income  
23 and distributive share of income under Sections 702 and 704  
24 and Subchapter S of the Internal Revenue Code. The credit  
25 shall be .5% of the basis for such property. The credit  
26 shall be available only in the taxable year in which the

1 property is placed in service in the Enterprise Zone or  
2 River Edge Redevelopment Zone and shall not be allowed to  
3 the extent that it would reduce a taxpayer's liability for  
4 the tax imposed by subsections (a) and (b) of this Section  
5 to below zero. For tax years ending on or after December  
6 31, 1985, the credit shall be allowed for the tax year in  
7 which the property is placed in service, or, if the amount  
8 of the credit exceeds the tax liability for that year,  
9 whether it exceeds the original liability or the liability  
10 as later amended, such excess may be carried forward and  
11 applied to the tax liability of the 5 taxable years  
12 following the excess credit year. The credit shall be  
13 applied to the earliest year for which there is a  
14 liability. If there is credit from more than one tax year  
15 that is available to offset a liability, the credit  
16 accruing first in time shall be applied first.

17 (2) The term qualified property means property which:

18 (A) is tangible, whether new or used, including  
19 buildings and structural components of buildings;

20 (B) is depreciable pursuant to Section 167 of the  
21 Internal Revenue Code, except that "3-year property"  
22 as defined in Section 168(c) (2) (A) of that Code is not  
23 eligible for the credit provided by this subsection  
24 (f);

25 (C) is acquired by purchase as defined in Section  
26 179(d) of the Internal Revenue Code;

1 (D) is used in the Enterprise Zone or River Edge  
2 Redevelopment Zone by the taxpayer; and

3 (E) has not been previously used in Illinois in  
4 such a manner and by such a person as would qualify for  
5 the credit provided by this subsection (f) or  
6 subsection (e).

7 (3) The basis of qualified property shall be the basis  
8 used to compute the depreciation deduction for federal  
9 income tax purposes.

10 (4) If the basis of the property for federal income tax  
11 depreciation purposes is increased after it has been placed  
12 in service in the Enterprise Zone or River Edge  
13 Redevelopment Zone by the taxpayer, the amount of such  
14 increase shall be deemed property placed in service on the  
15 date of such increase in basis.

16 (5) The term "placed in service" shall have the same  
17 meaning as under Section 46 of the Internal Revenue Code.

18 (6) If during any taxable year, any property ceases to  
19 be qualified property in the hands of the taxpayer within  
20 48 months after being placed in service, or the situs of  
21 any qualified property is moved outside the Enterprise Zone  
22 or River Edge Redevelopment Zone within 48 months after  
23 being placed in service, the tax imposed under subsections  
24 (a) and (b) of this Section for such taxable year shall be  
25 increased. Such increase shall be determined by (i)  
26 recomputing the investment credit which would have been

1           allowed for the year in which credit for such property was  
2           originally allowed by eliminating such property from such  
3           computation, and (ii) subtracting such recomputed credit  
4           from the amount of credit previously allowed. For the  
5           purposes of this paragraph (6), a reduction of the basis of  
6           qualified property resulting from a redetermination of the  
7           purchase price shall be deemed a disposition of qualified  
8           property to the extent of such reduction.

9           (7) There shall be allowed an additional credit equal  
10          to 0.5% of the basis of qualified property placed in  
11          service during the taxable year in a River Edge  
12          Redevelopment Zone, provided such property is placed in  
13          service on or after July 1, 2006, and the taxpayer's base  
14          employment within Illinois has increased by 1% or more over  
15          the preceding year as determined by the taxpayer's  
16          employment records filed with the Illinois Department of  
17          Employment Security. Taxpayers who are new to Illinois  
18          shall be deemed to have met the 1% growth in base  
19          employment for the first year in which they file employment  
20          records with the Illinois Department of Employment  
21          Security. If, in any year, the increase in base employment  
22          within Illinois over the preceding year is less than 1%,  
23          the additional credit shall be limited to that percentage  
24          times a fraction, the numerator of which is 0.5% and the  
25          denominator of which is 1%, but shall not exceed 0.5%.

26          (g) Jobs Tax Credit; Enterprise Zone, River Edge

1 Redevelopment Zone, and Foreign Trade Zone or Sub-Zone.

2 (1) A taxpayer conducting a trade or business in an  
3 enterprise zone or a High Impact Business designated by the  
4 Department of Commerce and Economic Opportunity or for  
5 taxable years ending on or after December 31, 2006, in a  
6 River Edge Redevelopment Zone conducting a trade or  
7 business in a federally designated Foreign Trade Zone or  
8 Sub-Zone shall be allowed a credit against the tax imposed  
9 by subsections (a) and (b) of this Section in the amount of  
10 \$500 per eligible employee hired to work in the zone during  
11 the taxable year.

12 (2) To qualify for the credit:

13 (A) the taxpayer must hire 5 or more eligible  
14 employees to work in an enterprise zone, River Edge  
15 Redevelopment Zone, or federally designated Foreign  
16 Trade Zone or Sub-Zone during the taxable year;

17 (B) the taxpayer's total employment within the  
18 enterprise zone, River Edge Redevelopment Zone, or  
19 federally designated Foreign Trade Zone or Sub-Zone  
20 must increase by 5 or more full-time employees beyond  
21 the total employed in that zone at the end of the  
22 previous tax year for which a jobs tax credit under  
23 this Section was taken, or beyond the total employed by  
24 the taxpayer as of December 31, 1985, whichever is  
25 later; and

26 (C) the eligible employees must be employed 180

1 consecutive days in order to be deemed hired for  
2 purposes of this subsection.

3 (3) An "eligible employee" means an employee who is:

4 (A) Certified by the Department of Commerce and  
5 Economic Opportunity as "eligible for services"  
6 pursuant to regulations promulgated in accordance with  
7 Title II of the Job Training Partnership Act, Training  
8 Services for the Disadvantaged or Title III of the Job  
9 Training Partnership Act, Employment and Training  
10 Assistance for Dislocated Workers Program.

11 (B) Hired after the enterprise zone, River Edge  
12 Redevelopment Zone, or federally designated Foreign  
13 Trade Zone or Sub-Zone was designated or the trade or  
14 business was located in that zone, whichever is later.

15 (C) Employed in the enterprise zone, River Edge  
16 Redevelopment Zone, or Foreign Trade Zone or Sub-Zone.  
17 An employee is employed in an enterprise zone or  
18 federally designated Foreign Trade Zone or Sub-Zone if  
19 his services are rendered there or it is the base of  
20 operations for the services performed.

21 (D) A full-time employee working 30 or more hours  
22 per week.

23 (4) For tax years ending on or after December 31, 1985  
24 and prior to December 31, 1988, the credit shall be allowed  
25 for the tax year in which the eligible employees are hired.  
26 For tax years ending on or after December 31, 1988, the

1 credit shall be allowed for the tax year immediately  
2 following the tax year in which the eligible employees are  
3 hired. If the amount of the credit exceeds the tax  
4 liability for that year, whether it exceeds the original  
5 liability or the liability as later amended, such excess  
6 may be carried forward and applied to the tax liability of  
7 the 5 taxable years following the excess credit year. The  
8 credit shall be applied to the earliest year for which  
9 there is a liability. If there is credit from more than one  
10 tax year that is available to offset a liability, earlier  
11 credit shall be applied first.

12 (5) The Department of Revenue shall promulgate such  
13 rules and regulations as may be deemed necessary to carry  
14 out the purposes of this subsection (g).

15 (6) The credit shall be available for eligible  
16 employees hired on or after January 1, 1986.

17 (h) Investment credit; High Impact Business.

18 (1) Subject to subsections (b) and (b-5) of Section 5.5  
19 of the Illinois Enterprise Zone Act, a taxpayer shall be  
20 allowed a credit against the tax imposed by subsections (a)  
21 and (b) of this Section for investment in qualified  
22 property which is placed in service by a Department of  
23 Commerce and Economic Opportunity designated High Impact  
24 Business. The credit shall be .5% of the basis for such  
25 property. The credit shall not be available (i) until the  
26 minimum investments in qualified property set forth in

1 subdivision (a)(3)(A) of Section 5.5 of the Illinois  
2 Enterprise Zone Act have been satisfied or (ii) until the  
3 time authorized in subsection (b-5) of the Illinois  
4 Enterprise Zone Act for entities designated as High Impact  
5 Businesses under subdivisions (a)(3)(B), (a)(3)(C), and  
6 (a)(3)(D) of Section 5.5 of the Illinois Enterprise Zone  
7 Act, and shall not be allowed to the extent that it would  
8 reduce a taxpayer's liability for the tax imposed by  
9 subsections (a) and (b) of this Section to below zero. The  
10 credit applicable to such investments shall be taken in the  
11 taxable year in which such investments have been completed.  
12 The credit for additional investments beyond the minimum  
13 investment by a designated high impact business authorized  
14 under subdivision (a)(3)(A) of Section 5.5 of the Illinois  
15 Enterprise Zone Act shall be available only in the taxable  
16 year in which the property is placed in service and shall  
17 not be allowed to the extent that it would reduce a  
18 taxpayer's liability for the tax imposed by subsections (a)  
19 and (b) of this Section to below zero. For tax years ending  
20 on or after December 31, 1987, the credit shall be allowed  
21 for the tax year in which the property is placed in  
22 service, or, if the amount of the credit exceeds the tax  
23 liability for that year, whether it exceeds the original  
24 liability or the liability as later amended, such excess  
25 may be carried forward and applied to the tax liability of  
26 the 5 taxable years following the excess credit year. The

1 credit shall be applied to the earliest year for which  
2 there is a liability. If there is credit from more than one  
3 tax year that is available to offset a liability, the  
4 credit accruing first in time shall be applied first.

5 Changes made in this subdivision (h) (1) by Public Act  
6 88-670 restore changes made by Public Act 85-1182 and  
7 reflect existing law.

8 (2) The term qualified property means property which:

9 (A) is tangible, whether new or used, including  
10 buildings and structural components of buildings;

11 (B) is depreciable pursuant to Section 167 of the  
12 Internal Revenue Code, except that "3-year property"  
13 as defined in Section 168(c) (2) (A) of that Code is not  
14 eligible for the credit provided by this subsection  
15 (h);

16 (C) is acquired by purchase as defined in Section  
17 179(d) of the Internal Revenue Code; and

18 (D) is not eligible for the Enterprise Zone  
19 Investment Credit provided by subsection (f) of this  
20 Section.

21 (3) The basis of qualified property shall be the basis  
22 used to compute the depreciation deduction for federal  
23 income tax purposes.

24 (4) If the basis of the property for federal income tax  
25 depreciation purposes is increased after it has been placed  
26 in service in a federally designated Foreign Trade Zone or

1 Sub-Zone located in Illinois by the taxpayer, the amount of  
2 such increase shall be deemed property placed in service on  
3 the date of such increase in basis.

4 (5) The term "placed in service" shall have the same  
5 meaning as under Section 46 of the Internal Revenue Code.

6 (6) If during any taxable year ending on or before  
7 December 31, 1996, any property ceases to be qualified  
8 property in the hands of the taxpayer within 48 months  
9 after being placed in service, or the situs of any  
10 qualified property is moved outside Illinois within 48  
11 months after being placed in service, the tax imposed under  
12 subsections (a) and (b) of this Section for such taxable  
13 year shall be increased. Such increase shall be determined  
14 by (i) recomputing the investment credit which would have  
15 been allowed for the year in which credit for such property  
16 was originally allowed by eliminating such property from  
17 such computation, and (ii) subtracting such recomputed  
18 credit from the amount of credit previously allowed. For  
19 the purposes of this paragraph (6), a reduction of the  
20 basis of qualified property resulting from a  
21 redetermination of the purchase price shall be deemed a  
22 disposition of qualified property to the extent of such  
23 reduction.

24 (7) Beginning with tax years ending after December 31,  
25 1996, if a taxpayer qualifies for the credit under this  
26 subsection (h) and thereby is granted a tax abatement and

1 the taxpayer relocates its entire facility in violation of  
2 the explicit terms and length of the contract under Section  
3 18-183 of the Property Tax Code, the tax imposed under  
4 subsections (a) and (b) of this Section shall be increased  
5 for the taxable year in which the taxpayer relocated its  
6 facility by an amount equal to the amount of credit  
7 received by the taxpayer under this subsection (h).

8 (i) Credit for Personal Property Tax Replacement Income  
9 Tax. For tax years ending prior to December 31, 2003, a credit  
10 shall be allowed against the tax imposed by subsections (a) and  
11 (b) of this Section for the tax imposed by subsections (c) and  
12 (d) of this Section. This credit shall be computed by  
13 multiplying the tax imposed by subsections (c) and (d) of this  
14 Section by a fraction, the numerator of which is base income  
15 allocable to Illinois and the denominator of which is Illinois  
16 base income, and further multiplying the product by the tax  
17 rate imposed by subsections (a) and (b) of this Section.

18 Any credit earned on or after December 31, 1986 under this  
19 subsection which is unused in the year the credit is computed  
20 because it exceeds the tax liability imposed by subsections (a)  
21 and (b) for that year (whether it exceeds the original  
22 liability or the liability as later amended) may be carried  
23 forward and applied to the tax liability imposed by subsections  
24 (a) and (b) of the 5 taxable years following the excess credit  
25 year, provided that no credit may be carried forward to any  
26 year ending on or after December 31, 2003. This credit shall be

1 applied first to the earliest year for which there is a  
2 liability. If there is a credit under this subsection from more  
3 than one tax year that is available to offset a liability the  
4 earliest credit arising under this subsection shall be applied  
5 first.

6 If, during any taxable year ending on or after December 31,  
7 1986, the tax imposed by subsections (c) and (d) of this  
8 Section for which a taxpayer has claimed a credit under this  
9 subsection (i) is reduced, the amount of credit for such tax  
10 shall also be reduced. Such reduction shall be determined by  
11 recomputing the credit to take into account the reduced tax  
12 imposed by subsections (c) and (d). If any portion of the  
13 reduced amount of credit has been carried to a different  
14 taxable year, an amended return shall be filed for such taxable  
15 year to reduce the amount of credit claimed.

16 (j) Training expense credit. Beginning with tax years  
17 ending on or after December 31, 1986 and prior to December 31,  
18 2003, a taxpayer shall be allowed a credit against the tax  
19 imposed by subsections (a) and (b) under this Section for all  
20 amounts paid or accrued, on behalf of all persons employed by  
21 the taxpayer in Illinois or Illinois residents employed outside  
22 of Illinois by a taxpayer, for educational or vocational  
23 training in semi-technical or technical fields or semi-skilled  
24 or skilled fields, which were deducted from gross income in the  
25 computation of taxable income. The credit against the tax  
26 imposed by subsections (a) and (b) shall be 1.6% of such

1 training expenses. For partners, shareholders of subchapter S  
2 corporations, and owners of limited liability companies, if the  
3 liability company is treated as a partnership for purposes of  
4 federal and State income taxation, there shall be allowed a  
5 credit under this subsection (j) to be determined in accordance  
6 with the determination of income and distributive share of  
7 income under Sections 702 and 704 and subchapter S of the  
8 Internal Revenue Code.

9 Any credit allowed under this subsection which is unused in  
10 the year the credit is earned may be carried forward to each of  
11 the 5 taxable years following the year for which the credit is  
12 first computed until it is used. This credit shall be applied  
13 first to the earliest year for which there is a liability. If  
14 there is a credit under this subsection from more than one tax  
15 year that is available to offset a liability the earliest  
16 credit arising under this subsection shall be applied first. No  
17 carryforward credit may be claimed in any tax year ending on or  
18 after December 31, 2003.

19 (k) Research and development credit.

20 For tax years ending after July 1, 1990 and prior to  
21 December 31, 2003, and beginning again for tax years ending on  
22 or after December 31, 2004, a taxpayer shall be allowed a  
23 credit against the tax imposed by subsections (a) and (b) of  
24 this Section for increasing research activities in this State.  
25 The credit allowed against the tax imposed by subsections (a)  
26 and (b) shall be equal to 6 1/2% of the qualifying expenditures

1 for increasing research activities in this State. For partners,  
2 shareholders of subchapter S corporations, and owners of  
3 limited liability companies, if the liability company is  
4 treated as a partnership for purposes of federal and State  
5 income taxation, there shall be allowed a credit under this  
6 subsection to be determined in accordance with the  
7 determination of income and distributive share of income under  
8 Sections 702 and 704 and subchapter S of the Internal Revenue  
9 Code.

10 For purposes of this subsection, "qualifying expenditures"  
11 means the qualifying expenditures as defined for the federal  
12 credit for increasing research activities which would be  
13 allowable under Section 41 of the Internal Revenue Code and  
14 which are conducted in this State, "qualifying expenditures for  
15 increasing research activities in this State" means the excess  
16 of qualifying expenditures for the taxable year in which  
17 incurred over qualifying expenditures for the base period,  
18 "qualifying expenditures for the base period" means the average  
19 of the qualifying expenditures for each year in the base  
20 period, and "base period" means the 3 taxable years immediately  
21 preceding the taxable year for which the determination is being  
22 made.

23 Any credit in excess of the tax liability for the taxable  
24 year may be carried forward. A taxpayer may elect to have the  
25 unused credit shown on its final completed return carried over  
26 as a credit against the tax liability for the following 5

1 taxable years or until it has been fully used, whichever occurs  
2 first; provided that no credit earned in a tax year ending  
3 prior to December 31, 2003 may be carried forward to any year  
4 ending on or after December 31, 2003.

5 If an unused credit is carried forward to a given year from  
6 2 or more earlier years, that credit arising in the earliest  
7 year will be applied first against the tax liability for the  
8 given year. If a tax liability for the given year still  
9 remains, the credit from the next earliest year will then be  
10 applied, and so on, until all credits have been used or no tax  
11 liability for the given year remains. Any remaining unused  
12 credit or credits then will be carried forward to the next  
13 following year in which a tax liability is incurred, except  
14 that no credit can be carried forward to a year which is more  
15 than 5 years after the year in which the expense for which the  
16 credit is given was incurred.

17 No inference shall be drawn from this amendatory Act of the  
18 91st General Assembly in construing this Section for taxable  
19 years beginning before January 1, 1999.

20 (1) Environmental Remediation Tax Credit.

21 (i) For tax years ending after December 31, 1997 and on  
22 or before December 31, 2001, a taxpayer shall be allowed a  
23 credit against the tax imposed by subsections (a) and (b)  
24 of this Section for certain amounts paid for unreimbursed  
25 eligible remediation costs, as specified in this  
26 subsection. For purposes of this Section, "unreimbursed

1 eligible remediation costs" means costs approved by the  
2 Illinois Environmental Protection Agency ("Agency") under  
3 Section 58.14 of the Environmental Protection Act that were  
4 paid in performing environmental remediation at a site for  
5 which a No Further Remediation Letter was issued by the  
6 Agency and recorded under Section 58.10 of the  
7 Environmental Protection Act. The credit must be claimed  
8 for the taxable year in which Agency approval of the  
9 eligible remediation costs is granted. The credit is not  
10 available to any taxpayer if the taxpayer or any related  
11 party caused or contributed to, in any material respect, a  
12 release of regulated substances on, in, or under the site  
13 that was identified and addressed by the remedial action  
14 pursuant to the Site Remediation Program of the  
15 Environmental Protection Act. After the Pollution Control  
16 Board rules are adopted pursuant to the Illinois  
17 Administrative Procedure Act for the administration and  
18 enforcement of Section 58.9 of the Environmental  
19 Protection Act, determinations as to credit availability  
20 for purposes of this Section shall be made consistent with  
21 those rules. For purposes of this Section, "taxpayer"  
22 includes a person whose tax attributes the taxpayer has  
23 succeeded to under Section 381 of the Internal Revenue Code  
24 and "related party" includes the persons disallowed a  
25 deduction for losses by paragraphs (b), (c), and (f)(1) of  
26 Section 267 of the Internal Revenue Code by virtue of being

1 a related taxpayer, as well as any of its partners. The  
2 credit allowed against the tax imposed by subsections (a)  
3 and (b) shall be equal to 25% of the unreimbursed eligible  
4 remediation costs in excess of \$100,000 per site, except  
5 that the \$100,000 threshold shall not apply to any site  
6 contained in an enterprise zone as determined by the  
7 Department of Commerce and Community Affairs (now  
8 Department of Commerce and Economic Opportunity). The  
9 total credit allowed shall not exceed \$40,000 per year with  
10 a maximum total of \$150,000 per site. For partners and  
11 shareholders of subchapter S corporations, there shall be  
12 allowed a credit under this subsection to be determined in  
13 accordance with the determination of income and  
14 distributive share of income under Sections 702 and 704 and  
15 subchapter S of the Internal Revenue Code.

16 (ii) A credit allowed under this subsection that is  
17 unused in the year the credit is earned may be carried  
18 forward to each of the 5 taxable years following the year  
19 for which the credit is first earned until it is used. The  
20 term "unused credit" does not include any amounts of  
21 unreimbursed eligible remediation costs in excess of the  
22 maximum credit per site authorized under paragraph (i).  
23 This credit shall be applied first to the earliest year for  
24 which there is a liability. If there is a credit under this  
25 subsection from more than one tax year that is available to  
26 offset a liability, the earliest credit arising under this

1 subsection shall be applied first. A credit allowed under  
2 this subsection may be sold to a buyer as part of a sale of  
3 all or part of the remediation site for which the credit  
4 was granted. The purchaser of a remediation site and the  
5 tax credit shall succeed to the unused credit and remaining  
6 carry-forward period of the seller. To perfect the  
7 transfer, the assignor shall record the transfer in the  
8 chain of title for the site and provide written notice to  
9 the Director of the Illinois Department of Revenue of the  
10 assignor's intent to sell the remediation site and the  
11 amount of the tax credit to be transferred as a portion of  
12 the sale. In no event may a credit be transferred to any  
13 taxpayer if the taxpayer or a related party would not be  
14 eligible under the provisions of subsection (i).

15 (iii) For purposes of this Section, the term "site"  
16 shall have the same meaning as under Section 58.2 of the  
17 Environmental Protection Act.

18 (m) Education expense credit. Beginning with tax years  
19 ending after December 31, 1999, a taxpayer who is the custodian  
20 of one or more qualifying pupils shall be allowed a credit  
21 against the tax imposed by subsections (a) and (b) of this  
22 Section for qualified education expenses incurred on behalf of  
23 the qualifying pupils. The credit shall be equal to 25% of  
24 qualified education expenses, but in no event may the total  
25 credit under this subsection claimed by a family that is the  
26 custodian of qualifying pupils exceed \$500. In no event shall a

1 credit under this subsection reduce the taxpayer's liability  
2 under this Act to less than zero. This subsection is exempt  
3 from the provisions of Section 250 of this Act.

4 For purposes of this subsection:

5 "Qualifying pupils" means individuals who (i) are  
6 residents of the State of Illinois, (ii) are under the age of  
7 21 at the close of the school year for which a credit is  
8 sought, and (iii) during the school year for which a credit is  
9 sought were full-time pupils enrolled in a kindergarten through  
10 twelfth grade education program at any school, as defined in  
11 this subsection.

12 "Qualified education expense" means the amount incurred on  
13 behalf of a qualifying pupil in excess of \$250 for tuition,  
14 book fees, and lab fees at the school in which the pupil is  
15 enrolled during the regular school year.

16 "School" means any public or nonpublic elementary or  
17 secondary school in Illinois that is in compliance with Title  
18 VI of the Civil Rights Act of 1964 and attendance at which  
19 satisfies the requirements of Section 26-1 of the School Code,  
20 except that nothing shall be construed to require a child to  
21 attend any particular public or nonpublic school to qualify for  
22 the credit under this Section.

23 "Custodian" means, with respect to qualifying pupils, an  
24 Illinois resident who is a parent, the parents, a legal  
25 guardian, or the legal guardians of the qualifying pupils.

26 (n) River Edge Redevelopment Zone site remediation tax

1 credit.

2 (i) For tax years ending on or after December 31, 2006,  
3 a taxpayer shall be allowed a credit against the tax  
4 imposed by subsections (a) and (b) of this Section for  
5 certain amounts paid for unreimbursed eligible remediation  
6 costs, as specified in this subsection. For purposes of  
7 this Section, "unreimbursed eligible remediation costs"  
8 means costs approved by the Illinois Environmental  
9 Protection Agency ("Agency") under Section 58.14a of the  
10 Environmental Protection Act that were paid in performing  
11 environmental remediation at a site within a River Edge  
12 Redevelopment Zone for which a No Further Remediation  
13 Letter was issued by the Agency and recorded under Section  
14 58.10 of the Environmental Protection Act. The credit must  
15 be claimed for the taxable year in which Agency approval of  
16 the eligible remediation costs is granted. The credit is  
17 not available to any taxpayer if the taxpayer or any  
18 related party caused or contributed to, in any material  
19 respect, a release of regulated substances on, in, or under  
20 the site that was identified and addressed by the remedial  
21 action pursuant to the Site Remediation Program of the  
22 Environmental Protection Act. Determinations as to credit  
23 availability for purposes of this Section shall be made  
24 consistent with rules adopted by the Pollution Control  
25 Board pursuant to the Illinois Administrative Procedure  
26 Act for the administration and enforcement of Section 58.9

1 of the Environmental Protection Act. For purposes of this  
2 Section, "taxpayer" includes a person whose tax attributes  
3 the taxpayer has succeeded to under Section 381 of the  
4 Internal Revenue Code and "related party" includes the  
5 persons disallowed a deduction for losses by paragraphs  
6 (b), (c), and (f) (1) of Section 267 of the Internal Revenue  
7 Code by virtue of being a related taxpayer, as well as any  
8 of its partners. The credit allowed against the tax imposed  
9 by subsections (a) and (b) shall be equal to 25% of the  
10 unreimbursed eligible remediation costs in excess of  
11 \$100,000 per site.

12 (ii) A credit allowed under this subsection that is  
13 unused in the year the credit is earned may be carried  
14 forward to each of the 5 taxable years following the year  
15 for which the credit is first earned until it is used. This  
16 credit shall be applied first to the earliest year for  
17 which there is a liability. If there is a credit under this  
18 subsection from more than one tax year that is available to  
19 offset a liability, the earliest credit arising under this  
20 subsection shall be applied first. A credit allowed under  
21 this subsection may be sold to a buyer as part of a sale of  
22 all or part of the remediation site for which the credit  
23 was granted. The purchaser of a remediation site and the  
24 tax credit shall succeed to the unused credit and remaining  
25 carry-forward period of the seller. To perfect the  
26 transfer, the assignor shall record the transfer in the

1 chain of title for the site and provide written notice to  
2 the Director of the Illinois Department of Revenue of the  
3 assignor's intent to sell the remediation site and the  
4 amount of the tax credit to be transferred as a portion of  
5 the sale. In no event may a credit be transferred to any  
6 taxpayer if the taxpayer or a related party would not be  
7 eligible under the provisions of subsection (i).

8 (iii) For purposes of this Section, the term "site"  
9 shall have the same meaning as under Section 58.2 of the  
10 Environmental Protection Act.

11 (iv) This subsection is exempt from the provisions of  
12 Section 250.

13 (Source: P.A. 95-454, eff. 8-27-07; 96-115, eff. 7-31-09;  
14 96-116, eff. 7-31-09; revised 8-20-09.)

15 (35 ILCS 5/507SS)

16 Sec. 507SS. The hunger relief checkoff. For taxable years  
17 ending on or after December 31, 2009, the Department shall  
18 print, on its standard individual income tax form, a provision  
19 indicating that, if the taxpayer wishes to contribute to the  
20 Hunger Relief Fund, as authorized by Public Act 96-604 ~~this~~  
21 ~~amendatory Act of the 96th General Assembly~~, then he or she may  
22 do so by stating the amount of the contribution (not less than  
23 \$1) on the return and indicating that the contribution will  
24 reduce the taxpayer's refund or increase the amount of payment  
25 to accompany the return. The taxpayer's failure to remit any

1 amount of the increased payment reduces the contribution  
2 accordingly. This Section does not apply to any amended return.  
3 (Source: P.A. 96-604, eff. 8-24-09; revised 10-7-09.)

4 (35 ILCS 5/507TT)

5 Sec. 507TT ~~507SS~~. The crisis nursery checkoff. For taxable  
6 years ending on or after December 31, 2009, the Department  
7 shall print, on its standard individual income tax form, a  
8 provision indicating that, if the taxpayer wishes to contribute  
9 to the Crisis Nursery Fund, as authorized by Public Act 96-627  
10 ~~this amendatory Act of the 96th General Assembly~~, then he or  
11 she may do so by stating the amount of the contribution (not  
12 less than \$1) on the return and indicating that the  
13 contribution will reduce the taxpayer's refund or increase the  
14 amount of payment to accompany the return. The taxpayer's  
15 failure to remit any amount of the increased payment reduces  
16 the contribution accordingly. This Section does not apply to  
17 any amended return.

18 (Source: P.A. 96-627, eff. 8-24-09; revised 10-7-09.)

19 (35 ILCS 5/606)

20 Sec. 606. EDGE payment. A payment includes a payment  
21 provided for in subsection (g) ~~(f)~~ of Section 5-15 of the  
22 Economic Development for a Growing Economy Tax Credit Act.

23 (Source: P.A. 96-836, eff. 12-16-09; revised 12-22-09.)

1 (35 ILCS 5/807)

2 Sec. 807. EDGE payment. A payment includes a payment  
3 provided for in subsection (g) ~~(f)~~ of Section 5-15 of the  
4 Economic Development for a Growing Economy Tax Credit Act.  
5 (Source: P.A. 96-836, eff. 12-16-09; revised 12-22-09.)

6 Section 190. The Economic Development for a Growing Economy  
7 Tax Credit Act is amended by changing Section 5-15 as follows:

8 (35 ILCS 10/5-15)

9 Sec. 5-15. Tax Credit Awards. Subject to the conditions set  
10 forth in this Act, a Taxpayer is entitled to a Credit against  
11 or, as described in subsection (g) ~~(f)~~ of this Section, a  
12 payment towards taxes imposed pursuant to subsections (a) and  
13 (b) of Section 201 of the Illinois Income Tax Act that may be  
14 imposed on the Taxpayer for a taxable year beginning on or  
15 after January 1, 1999, if the Taxpayer is awarded a Credit by  
16 the Department under this Act for that taxable year.

17 (a) The Department shall make Credit awards under this Act  
18 to foster job creation and retention in Illinois.

19 (b) A person that proposes a project to create new jobs in  
20 Illinois must enter into an Agreement with the Department for  
21 the Credit under this Act.

22 (c) The Credit shall be claimed for the taxable years  
23 specified in the Agreement.

24 (d) The Credit shall not exceed the Incremental Income Tax

1 attributable to the project that is the subject of the  
2 Agreement.

3 (e) Nothing herein shall prohibit a Tax Credit Award to an  
4 Applicant that uses a PEO if all other award criteria are  
5 satisfied.

6 (f) In lieu of the Credit allowed under this Act against  
7 the taxes imposed pursuant to subsections (a) and (b) of  
8 Section 201 of the Illinois Income Tax Act for any taxable year  
9 ending on or after December 31, 2009, the Taxpayer may elect to  
10 claim the Credit against its obligation to pay over withholding  
11 under Section 704A of the Illinois Income Tax Act.

12 (1) The election under this subsection (f) may be made  
13 only by a Taxpayer that (i) is primarily engaged in one of  
14 the following business activities: motor vehicle metal  
15 stamping, automobile manufacturing, automobile and light  
16 duty motor vehicle manufacturing, motor vehicle  
17 manufacturing, light truck and utility vehicle  
18 manufacturing, or motor vehicle body manufacturing and  
19 (ii) meets the following criteria:

20 (A) the Taxpayer (i) had an Illinois net loss or an  
21 Illinois net loss deduction under Section 207 of the  
22 Illinois Income Tax Act for the taxable year in which  
23 the Credit is awarded, (ii) employed a minimum of 1,000  
24 full-time employees in this State during the taxable  
25 year in which the Credit is awarded, (iii) has an  
26 Agreement under this Act on December 14, 2009 (the

1 effective date of Public Act 96-834) ~~this amendatory~~  
2 ~~Act of the 96th General Assembly~~, and (iv) is in  
3 compliance with all provisions of that Agreement; or

4 (B) the Taxpayer (i) had an Illinois net loss or an  
5 Illinois net loss deduction under Section 207 of the  
6 Illinois Income Tax Act for the taxable year in which  
7 the Credit is awarded, (ii) employed a minimum of 1,000  
8 full-time employees in this State during the taxable  
9 year in which the Credit is awarded, and (iii) has  
10 applied for an Agreement within 180 days after December  
11 14, 2009 (the effective date of Public Act 96-834) ~~this~~  
12 ~~amendatory Act of the 96th General Assembly~~.

13 (2) An election under this subsection shall allow the  
14 credit to be taken against payments otherwise due under  
15 Section 704A of the Illinois Income Tax Act during the  
16 first calendar year beginning after the end of the taxable  
17 year in which the credit is awarded under this Act.

18 (3) The election shall be made in the form and manner  
19 required by the Illinois Department of Revenue and, once  
20 made, shall be irrevocable.

21 (4) If a Taxpayer who meets the requirements of  
22 subparagraph (A) of paragraph (1) of this subsection (f)  
23 elects to claim the Credit against its withholdings as  
24 provided in this subsection (f), then, on and after the  
25 date of the election, the terms of the Agreement between  
26 the Taxpayer and the Department may not be further amended

1 during the term of the Agreement.

2 (g) ~~(f)~~ A pass-through entity that has been awarded a  
3 credit under this Act, its shareholders, or its partners may  
4 treat some or all of the credit awarded pursuant to this Act as  
5 a tax payment for purposes of the Illinois Income Tax Act. The  
6 term "tax payment" means a payment as described in Article 6 or  
7 Article 8 of the Illinois Income Tax Act or a composite payment  
8 made by a pass-through entity on behalf of any of its  
9 shareholders or partners to satisfy such shareholders' or  
10 partners' taxes imposed pursuant to subsections (a) and (b) of  
11 Section 201 of the Illinois Income Tax Act. In no event shall  
12 the amount of the award credited pursuant to this Act exceed  
13 the Illinois income tax liability of the pass-through entity or  
14 its shareholders or partners for the taxable year.

15 (Source: P.A. 95-375, eff. 8-23-07; 96-834, eff. 12-14-09;  
16 96-836, eff. 12-16-09; revised 12-21-09.)

17 Section 195. The Use Tax Act is amended by changing  
18 Sections 3-5, 3-10, and 10 as follows:

19 (35 ILCS 105/3-5)

20 (Text of Section before amendment by P.A. 96-339)

21 Sec. 3-5. Exemptions. Use of the following tangible  
22 personal property is exempt from the tax imposed by this Act:

23 (1) Personal property purchased from a corporation,  
24 society, association, foundation, institution, or

1 organization, other than a limited liability company, that is  
2 organized and operated as a not-for-profit service enterprise  
3 for the benefit of persons 65 years of age or older if the  
4 personal property was not purchased by the enterprise for the  
5 purpose of resale by the enterprise.

6 (2) Personal property purchased by a not-for-profit  
7 Illinois county fair association for use in conducting,  
8 operating, or promoting the county fair.

9 (3) Personal property purchased by a not-for-profit arts or  
10 cultural organization that establishes, by proof required by  
11 the Department by rule, that it has received an exemption under  
12 Section 501(c)(3) of the Internal Revenue Code and that is  
13 organized and operated primarily for the presentation or  
14 support of arts or cultural programming, activities, or  
15 services. These organizations include, but are not limited to,  
16 music and dramatic arts organizations such as symphony  
17 orchestras and theatrical groups, arts and cultural service  
18 organizations, local arts councils, visual arts organizations,  
19 and media arts organizations. On and after the effective date  
20 of this amendatory Act of the 92nd General Assembly, however,  
21 an entity otherwise eligible for this exemption shall not make  
22 tax-free purchases unless it has an active identification  
23 number issued by the Department.

24 (4) Personal property purchased by a governmental body, by  
25 a corporation, society, association, foundation, or  
26 institution organized and operated exclusively for charitable,

1 religious, or educational purposes, or by a not-for-profit  
2 corporation, society, association, foundation, institution, or  
3 organization that has no compensated officers or employees and  
4 that is organized and operated primarily for the recreation of  
5 persons 55 years of age or older. A limited liability company  
6 may qualify for the exemption under this paragraph only if the  
7 limited liability company is organized and operated  
8 exclusively for educational purposes. On and after July 1,  
9 1987, however, no entity otherwise eligible for this exemption  
10 shall make tax-free purchases unless it has an active exemption  
11 identification number issued by the Department.

12 (5) Until July 1, 2003, a passenger car that is a  
13 replacement vehicle to the extent that the purchase price of  
14 the car is subject to the Replacement Vehicle Tax.

15 (6) Until July 1, 2003 and beginning again on September 1,  
16 2004 through August 30, 2014, graphic arts machinery and  
17 equipment, including repair and replacement parts, both new and  
18 used, and including that manufactured on special order,  
19 certified by the purchaser to be used primarily for graphic  
20 arts production, and including machinery and equipment  
21 purchased for lease. Equipment includes chemicals or chemicals  
22 acting as catalysts but only if the chemicals or chemicals  
23 acting as catalysts effect a direct and immediate change upon a  
24 graphic arts product.

25 (7) Farm chemicals.

26 (8) Legal tender, currency, medallions, or gold or silver

1 coinage issued by the State of Illinois, the government of the  
2 United States of America, or the government of any foreign  
3 country, and bullion.

4 (9) Personal property purchased from a teacher-sponsored  
5 student organization affiliated with an elementary or  
6 secondary school located in Illinois.

7 (10) A motor vehicle of the first division, a motor vehicle  
8 of the second division that is a self-contained motor vehicle  
9 designed or permanently converted to provide living quarters  
10 for recreational, camping, or travel use, with direct walk  
11 through to the living quarters from the driver's seat, or a  
12 motor vehicle of the second division that is of the van  
13 configuration designed for the transportation of not less than  
14 7 nor more than 16 passengers, as defined in Section 1-146 of  
15 the Illinois Vehicle Code, that is used for automobile renting,  
16 as defined in the Automobile Renting Occupation and Use Tax  
17 Act.

18 (11) Farm machinery and equipment, both new and used,  
19 including that manufactured on special order, certified by the  
20 purchaser to be used primarily for production agriculture or  
21 State or federal agricultural programs, including individual  
22 replacement parts for the machinery and equipment, including  
23 machinery and equipment purchased for lease, and including  
24 implements of husbandry defined in Section 1-130 of the  
25 Illinois Vehicle Code, farm machinery and agricultural  
26 chemical and fertilizer spreaders, and nurse wagons required to

1 be registered under Section 3-809 of the Illinois Vehicle Code,  
2 but excluding other motor vehicles required to be registered  
3 under the Illinois Vehicle Code. Horticultural polyhouses or  
4 hoop houses used for propagating, growing, or overwintering  
5 plants shall be considered farm machinery and equipment under  
6 this item (11). Agricultural chemical tender tanks and dry  
7 boxes shall include units sold separately from a motor vehicle  
8 required to be licensed and units sold mounted on a motor  
9 vehicle required to be licensed if the selling price of the  
10 tender is separately stated.

11 Farm machinery and equipment shall include precision  
12 farming equipment that is installed or purchased to be  
13 installed on farm machinery and equipment including, but not  
14 limited to, tractors, harvesters, sprayers, planters, seeders,  
15 or spreaders. Precision farming equipment includes, but is not  
16 limited to, soil testing sensors, computers, monitors,  
17 software, global positioning and mapping systems, and other  
18 such equipment.

19 Farm machinery and equipment also includes computers,  
20 sensors, software, and related equipment used primarily in the  
21 computer-assisted operation of production agriculture  
22 facilities, equipment, and activities such as, but not limited  
23 to, the collection, monitoring, and correlation of animal and  
24 crop data for the purpose of formulating animal diets and  
25 agricultural chemicals. This item (11) is exempt from the  
26 provisions of Section 3-90.

1           (12) Fuel and petroleum products sold to or used by an air  
2 common carrier, certified by the carrier to be used for  
3 consumption, shipment, or storage in the conduct of its  
4 business as an air common carrier, for a flight destined for or  
5 returning from a location or locations outside the United  
6 States without regard to previous or subsequent domestic  
7 stopovers.

8           (13) Proceeds of mandatory service charges separately  
9 stated on customers' bills for the purchase and consumption of  
10 food and beverages purchased at retail from a retailer, to the  
11 extent that the proceeds of the service charge are in fact  
12 turned over as tips or as a substitute for tips to the  
13 employees who participate directly in preparing, serving,  
14 hosting or cleaning up the food or beverage function with  
15 respect to which the service charge is imposed.

16           (14) Until July 1, 2003, oil field exploration, drilling,  
17 and production equipment, including (i) rigs and parts of rigs,  
18 rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and  
19 tubular goods, including casing and drill strings, (iii) pumps  
20 and pump-jack units, (iv) storage tanks and flow lines, (v) any  
21 individual replacement part for oil field exploration,  
22 drilling, and production equipment, and (vi) machinery and  
23 equipment purchased for lease; but excluding motor vehicles  
24 required to be registered under the Illinois Vehicle Code.

25           (15) Photoprocessing machinery and equipment, including  
26 repair and replacement parts, both new and used, including that

1 manufactured on special order, certified by the purchaser to be  
2 used primarily for photoprocessing, and including  
3 photoprocessing machinery and equipment purchased for lease.

4 (16) Until July 1, 2003, coal exploration, mining,  
5 offhighway hauling, processing, maintenance, and reclamation  
6 equipment, including replacement parts and equipment, and  
7 including equipment purchased for lease, but excluding motor  
8 vehicles required to be registered under the Illinois Vehicle  
9 Code.

10 (17) Until July 1, 2003, distillation machinery and  
11 equipment, sold as a unit or kit, assembled or installed by the  
12 retailer, certified by the user to be used only for the  
13 production of ethyl alcohol that will be used for consumption  
14 as motor fuel or as a component of motor fuel for the personal  
15 use of the user, and not subject to sale or resale.

16 (18) Manufacturing and assembling machinery and equipment  
17 used primarily in the process of manufacturing or assembling  
18 tangible personal property for wholesale or retail sale or  
19 lease, whether that sale or lease is made directly by the  
20 manufacturer or by some other person, whether the materials  
21 used in the process are owned by the manufacturer or some other  
22 person, or whether that sale or lease is made apart from or as  
23 an incident to the seller's engaging in the service occupation  
24 of producing machines, tools, dies, jigs, patterns, gauges, or  
25 other similar items of no commercial value on special order for  
26 a particular purchaser.

1           (19) Personal property delivered to a purchaser or  
2 purchaser's donee inside Illinois when the purchase order for  
3 that personal property was received by a florist located  
4 outside Illinois who has a florist located inside Illinois  
5 deliver the personal property.

6           (20) Semen used for artificial insemination of livestock  
7 for direct agricultural production.

8           (21) Horses, or interests in horses, registered with and  
9 meeting the requirements of any of the Arabian Horse Club  
10 Registry of America, Appaloosa Horse Club, American Quarter  
11 Horse Association, United States Trotting Association, or  
12 Jockey Club, as appropriate, used for purposes of breeding or  
13 racing for prizes. This item (21) is exempt from the provisions  
14 of Section 3-90, and the exemption provided for under this item  
15 (21) applies for all periods beginning May 30, 1995, but no  
16 claim for credit or refund is allowed on or after January 1,  
17 2008 for such taxes paid during the period beginning May 30,  
18 2000 and ending on January 1, 2008.

19           (22) Computers and communications equipment utilized for  
20 any hospital purpose and equipment used in the diagnosis,  
21 analysis, or treatment of hospital patients purchased by a  
22 lessor who leases the equipment, under a lease of one year or  
23 longer executed or in effect at the time the lessor would  
24 otherwise be subject to the tax imposed by this Act, to a  
25 hospital that has been issued an active tax exemption  
26 identification number by the Department under Section 1g of the

1 Retailers' Occupation Tax Act. If the equipment is leased in a  
2 manner that does not qualify for this exemption or is used in  
3 any other non-exempt manner, the lessor shall be liable for the  
4 tax imposed under this Act or the Service Use Tax Act, as the  
5 case may be, based on the fair market value of the property at  
6 the time the non-qualifying use occurs. No lessor shall collect  
7 or attempt to collect an amount (however designated) that  
8 purports to reimburse that lessor for the tax imposed by this  
9 Act or the Service Use Tax Act, as the case may be, if the tax  
10 has not been paid by the lessor. If a lessor improperly  
11 collects any such amount from the lessee, the lessee shall have  
12 a legal right to claim a refund of that amount from the lessor.  
13 If, however, that amount is not refunded to the lessee for any  
14 reason, the lessor is liable to pay that amount to the  
15 Department.

16 (23) Personal property purchased by a lessor who leases the  
17 property, under a lease of one year or longer executed or in  
18 effect at the time the lessor would otherwise be subject to the  
19 tax imposed by this Act, to a governmental body that has been  
20 issued an active sales tax exemption identification number by  
21 the Department under Section 1g of the Retailers' Occupation  
22 Tax Act. If the property is leased in a manner that does not  
23 qualify for this exemption or used in any other non-exempt  
24 manner, the lessor shall be liable for the tax imposed under  
25 this Act or the Service Use Tax Act, as the case may be, based  
26 on the fair market value of the property at the time the

1 non-qualifying use occurs. No lessor shall collect or attempt  
2 to collect an amount (however designated) that purports to  
3 reimburse that lessor for the tax imposed by this Act or the  
4 Service Use Tax Act, as the case may be, if the tax has not been  
5 paid by the lessor. If a lessor improperly collects any such  
6 amount from the lessee, the lessee shall have a legal right to  
7 claim a refund of that amount from the lessor. If, however,  
8 that amount is not refunded to the lessee for any reason, the  
9 lessor is liable to pay that amount to the Department.

10 (24) Beginning with taxable years ending on or after  
11 December 31, 1995 and ending with taxable years ending on or  
12 before December 31, 2004, personal property that is donated for  
13 disaster relief to be used in a State or federally declared  
14 disaster area in Illinois or bordering Illinois by a  
15 manufacturer or retailer that is registered in this State to a  
16 corporation, society, association, foundation, or institution  
17 that has been issued a sales tax exemption identification  
18 number by the Department that assists victims of the disaster  
19 who reside within the declared disaster area.

20 (25) Beginning with taxable years ending on or after  
21 December 31, 1995 and ending with taxable years ending on or  
22 before December 31, 2004, personal property that is used in the  
23 performance of infrastructure repairs in this State, including  
24 but not limited to municipal roads and streets, access roads,  
25 bridges, sidewalks, waste disposal systems, water and sewer  
26 line extensions, water distribution and purification

1 facilities, storm water drainage and retention facilities, and  
2 sewage treatment facilities, resulting from a State or  
3 federally declared disaster in Illinois or bordering Illinois  
4 when such repairs are initiated on facilities located in the  
5 declared disaster area within 6 months after the disaster.

6 (26) Beginning July 1, 1999, game or game birds purchased  
7 at a "game breeding and hunting preserve area" or an "exotic  
8 game hunting area" as those terms are used in the Wildlife Code  
9 or at a hunting enclosure approved through rules adopted by the  
10 Department of Natural Resources. This paragraph is exempt from  
11 the provisions of Section 3-90.

12 (27) A motor vehicle, as that term is defined in Section  
13 1-146 of the Illinois Vehicle Code, that is donated to a  
14 corporation, limited liability company, society, association,  
15 foundation, or institution that is determined by the Department  
16 to be organized and operated exclusively for educational  
17 purposes. For purposes of this exemption, "a corporation,  
18 limited liability company, society, association, foundation,  
19 or institution organized and operated exclusively for  
20 educational purposes" means all tax-supported public schools,  
21 private schools that offer systematic instruction in useful  
22 branches of learning by methods common to public schools and  
23 that compare favorably in their scope and intensity with the  
24 course of study presented in tax-supported schools, and  
25 vocational or technical schools or institutes organized and  
26 operated exclusively to provide a course of study of not less

1 than 6 weeks duration and designed to prepare individuals to  
2 follow a trade or to pursue a manual, technical, mechanical,  
3 industrial, business, or commercial occupation.

4 (28) Beginning January 1, 2000, personal property,  
5 including food, purchased through fundraising events for the  
6 benefit of a public or private elementary or secondary school,  
7 a group of those schools, or one or more school districts if  
8 the events are sponsored by an entity recognized by the school  
9 district that consists primarily of volunteers and includes  
10 parents and teachers of the school children. This paragraph  
11 does not apply to fundraising events (i) for the benefit of  
12 private home instruction or (ii) for which the fundraising  
13 entity purchases the personal property sold at the events from  
14 another individual or entity that sold the property for the  
15 purpose of resale by the fundraising entity and that profits  
16 from the sale to the fundraising entity. This paragraph is  
17 exempt from the provisions of Section 3-90.

18 (29) Beginning January 1, 2000 and through December 31,  
19 2001, new or used automatic vending machines that prepare and  
20 serve hot food and beverages, including coffee, soup, and other  
21 items, and replacement parts for these machines. Beginning  
22 January 1, 2002 and through June 30, 2003, machines and parts  
23 for machines used in commercial, coin-operated amusement and  
24 vending business if a use or occupation tax is paid on the  
25 gross receipts derived from the use of the commercial,  
26 coin-operated amusement and vending machines. This paragraph

1 is exempt from the provisions of Section 3-90.

2 (30) Beginning January 1, 2001 and through June 30, 2011,  
3 food for human consumption that is to be consumed off the  
4 premises where it is sold (other than alcoholic beverages, soft  
5 drinks, and food that has been prepared for immediate  
6 consumption) and prescription and nonprescription medicines,  
7 drugs, medical appliances, and insulin, urine testing  
8 materials, syringes, and needles used by diabetics, for human  
9 use, when purchased for use by a person receiving medical  
10 assistance under Article 5 of the Illinois Public Aid Code who  
11 resides in a licensed long-term care facility, as defined in  
12 the Nursing Home Care Act.

13 (31) Beginning on the effective date of this amendatory Act  
14 of the 92nd General Assembly, computers and communications  
15 equipment utilized for any hospital purpose and equipment used  
16 in the diagnosis, analysis, or treatment of hospital patients  
17 purchased by a lessor who leases the equipment, under a lease  
18 of one year or longer executed or in effect at the time the  
19 lessor would otherwise be subject to the tax imposed by this  
20 Act, to a hospital that has been issued an active tax exemption  
21 identification number by the Department under Section 1g of the  
22 Retailers' Occupation Tax Act. If the equipment is leased in a  
23 manner that does not qualify for this exemption or is used in  
24 any other nonexempt manner, the lessor shall be liable for the  
25 tax imposed under this Act or the Service Use Tax Act, as the  
26 case may be, based on the fair market value of the property at

1 the time the nonqualifying use occurs. No lessor shall collect  
2 or attempt to collect an amount (however designated) that  
3 purports to reimburse that lessor for the tax imposed by this  
4 Act or the Service Use Tax Act, as the case may be, if the tax  
5 has not been paid by the lessor. If a lessor improperly  
6 collects any such amount from the lessee, the lessee shall have  
7 a legal right to claim a refund of that amount from the lessor.  
8 If, however, that amount is not refunded to the lessee for any  
9 reason, the lessor is liable to pay that amount to the  
10 Department. This paragraph is exempt from the provisions of  
11 Section 3-90.

12 (32) Beginning on the effective date of this amendatory Act  
13 of the 92nd General Assembly, personal property purchased by a  
14 lessor who leases the property, under a lease of one year or  
15 longer executed or in effect at the time the lessor would  
16 otherwise be subject to the tax imposed by this Act, to a  
17 governmental body that has been issued an active sales tax  
18 exemption identification number by the Department under  
19 Section 1g of the Retailers' Occupation Tax Act. If the  
20 property is leased in a manner that does not qualify for this  
21 exemption or used in any other nonexempt manner, the lessor  
22 shall be liable for the tax imposed under this Act or the  
23 Service Use Tax Act, as the case may be, based on the fair  
24 market value of the property at the time the nonqualifying use  
25 occurs. No lessor shall collect or attempt to collect an amount  
26 (however designated) that purports to reimburse that lessor for

1 the tax imposed by this Act or the Service Use Tax Act, as the  
2 case may be, if the tax has not been paid by the lessor. If a  
3 lessor improperly collects any such amount from the lessee, the  
4 lessee shall have a legal right to claim a refund of that  
5 amount from the lessor. If, however, that amount is not  
6 refunded to the lessee for any reason, the lessor is liable to  
7 pay that amount to the Department. This paragraph is exempt  
8 from the provisions of Section 3-90.

9 (33) On and after July 1, 2003 and through June 30, 2004,  
10 the use in this State of motor vehicles of the second division  
11 with a gross vehicle weight in excess of 8,000 pounds and that  
12 are subject to the commercial distribution fee imposed under  
13 Section 3-815.1 of the Illinois Vehicle Code. Beginning on July  
14 1, 2004 and through June 30, 2005, the use in this State of  
15 motor vehicles of the second division: (i) with a gross vehicle  
16 weight rating in excess of 8,000 pounds; (ii) that are subject  
17 to the commercial distribution fee imposed under Section  
18 3-815.1 of the Illinois Vehicle Code; and (iii) that are  
19 primarily used for commercial purposes. Through June 30, 2005,  
20 this exemption applies to repair and replacement parts added  
21 after the initial purchase of such a motor vehicle if that  
22 motor vehicle is used in a manner that would qualify for the  
23 rolling stock exemption otherwise provided for in this Act. For  
24 purposes of this paragraph, the term "used for commercial  
25 purposes" means the transportation of persons or property in  
26 furtherance of any commercial or industrial enterprise,

1 whether for-hire or not.

2 (34) Beginning January 1, 2008, tangible personal property  
3 used in the construction or maintenance of a community water  
4 supply, as defined under Section 3.145 of the Environmental  
5 Protection Act, that is operated by a not-for-profit  
6 corporation that holds a valid water supply permit issued under  
7 Title IV of the Environmental Protection Act. This paragraph is  
8 exempt from the provisions of Section 3-90.

9 (35) Beginning January 1, 2010, materials, parts,  
10 equipment, components, and furnishings incorporated into or  
11 upon an aircraft as part of the modification, refurbishment,  
12 completion, replacement, repair, or maintenance of the  
13 aircraft. This exemption includes consumable supplies used in  
14 the modification, refurbishment, completion, replacement,  
15 repair, and maintenance of aircraft, but excludes any  
16 materials, parts, equipment, components, and consumable  
17 supplies used in the modification, replacement, repair, and  
18 maintenance of aircraft engines or power plants, whether such  
19 engines or power plants are installed or uninstalled upon any  
20 such aircraft. "Consumable supplies" include, but are not  
21 limited to, adhesive, tape, sandpaper, general purpose  
22 lubricants, cleaning solution, latex gloves, and protective  
23 films. This exemption applies only to those organizations that  
24 (i) hold an Air Agency Certificate and are empowered to operate  
25 an approved repair station by the Federal Aviation  
26 Administration, (ii) have a Class IV Rating, and (iii) conduct

1 operations in accordance with Part 145 of the Federal Aviation  
2 Regulations. The exemption does not include aircraft operated  
3 by a commercial air carrier providing scheduled passenger air  
4 service pursuant to authority issued under Part 121 or Part 129  
5 of the Federal Aviation Regulations.

6 (36) ~~(35)~~ Tangible personal property purchased by a  
7 public-facilities corporation, as described in Section  
8 11-65-10 of the Illinois Municipal Code, for purposes of  
9 constructing or furnishing a municipal convention hall, but  
10 only if the legal title to the municipal convention hall is  
11 transferred to the municipality without any further  
12 consideration by or on behalf of the municipality at the time  
13 of the completion of the municipal convention hall or upon the  
14 retirement or redemption of any bonds or other debt instruments  
15 issued by the public-facilities corporation in connection with  
16 the development of the municipal convention hall. This  
17 exemption includes existing public-facilities corporations as  
18 provided in Section 11-65-25 of the Illinois Municipal Code.  
19 This paragraph is exempt from the provisions of Section 3-90.

20 (Source: P.A. 95-88, eff. 1-1-08; 95-538, eff. 1-1-08; 95-876,  
21 eff. 8-21-08; 96-116, eff. 7-31-09; 96-532, eff. 8-14-09;  
22 96-759, eff. 1-1-10; revised 9-25-09.)

23 (Text of Section after amendment by P.A. 96-339)

24 Sec. 3-5. Exemptions. Use of the following tangible  
25 personal property is exempt from the tax imposed by this Act:

1           (1) Personal property purchased from a corporation,  
2 society, association, foundation, institution, or  
3 organization, other than a limited liability company, that is  
4 organized and operated as a not-for-profit service enterprise  
5 for the benefit of persons 65 years of age or older if the  
6 personal property was not purchased by the enterprise for the  
7 purpose of resale by the enterprise.

8           (2) Personal property purchased by a not-for-profit  
9 Illinois county fair association for use in conducting,  
10 operating, or promoting the county fair.

11           (3) Personal property purchased by a not-for-profit arts or  
12 cultural organization that establishes, by proof required by  
13 the Department by rule, that it has received an exemption under  
14 Section 501(c)(3) of the Internal Revenue Code and that is  
15 organized and operated primarily for the presentation or  
16 support of arts or cultural programming, activities, or  
17 services. These organizations include, but are not limited to,  
18 music and dramatic arts organizations such as symphony  
19 orchestras and theatrical groups, arts and cultural service  
20 organizations, local arts councils, visual arts organizations,  
21 and media arts organizations. On and after the effective date  
22 of this amendatory Act of the 92nd General Assembly, however,  
23 an entity otherwise eligible for this exemption shall not make  
24 tax-free purchases unless it has an active identification  
25 number issued by the Department.

26           (4) Personal property purchased by a governmental body, by

1 a corporation, society, association, foundation, or  
2 institution organized and operated exclusively for charitable,  
3 religious, or educational purposes, or by a not-for-profit  
4 corporation, society, association, foundation, institution, or  
5 organization that has no compensated officers or employees and  
6 that is organized and operated primarily for the recreation of  
7 persons 55 years of age or older. A limited liability company  
8 may qualify for the exemption under this paragraph only if the  
9 limited liability company is organized and operated  
10 exclusively for educational purposes. On and after July 1,  
11 1987, however, no entity otherwise eligible for this exemption  
12 shall make tax-free purchases unless it has an active exemption  
13 identification number issued by the Department.

14 (5) Until July 1, 2003, a passenger car that is a  
15 replacement vehicle to the extent that the purchase price of  
16 the car is subject to the Replacement Vehicle Tax.

17 (6) Until July 1, 2003 and beginning again on September 1,  
18 2004 through August 30, 2014, graphic arts machinery and  
19 equipment, including repair and replacement parts, both new and  
20 used, and including that manufactured on special order,  
21 certified by the purchaser to be used primarily for graphic  
22 arts production, and including machinery and equipment  
23 purchased for lease. Equipment includes chemicals or chemicals  
24 acting as catalysts but only if the chemicals or chemicals  
25 acting as catalysts effect a direct and immediate change upon a  
26 graphic arts product.

1           (7) Farm chemicals.

2           (8) Legal tender, currency, medallions, or gold or silver  
3 coinage issued by the State of Illinois, the government of the  
4 United States of America, or the government of any foreign  
5 country, and bullion.

6           (9) Personal property purchased from a teacher-sponsored  
7 student organization affiliated with an elementary or  
8 secondary school located in Illinois.

9           (10) A motor vehicle of the first division, a motor vehicle  
10 of the second division that is a self-contained motor vehicle  
11 designed or permanently converted to provide living quarters  
12 for recreational, camping, or travel use, with direct walk  
13 through to the living quarters from the driver's seat, or a  
14 motor vehicle of the second division that is of the van  
15 configuration designed for the transportation of not less than  
16 7 nor more than 16 passengers, as defined in Section 1-146 of  
17 the Illinois Vehicle Code, that is used for automobile renting,  
18 as defined in the Automobile Renting Occupation and Use Tax  
19 Act.

20           (11) Farm machinery and equipment, both new and used,  
21 including that manufactured on special order, certified by the  
22 purchaser to be used primarily for production agriculture or  
23 State or federal agricultural programs, including individual  
24 replacement parts for the machinery and equipment, including  
25 machinery and equipment purchased for lease, and including  
26 implements of husbandry defined in Section 1-130 of the

1 Illinois Vehicle Code, farm machinery and agricultural  
2 chemical and fertilizer spreaders, and nurse wagons required to  
3 be registered under Section 3-809 of the Illinois Vehicle Code,  
4 but excluding other motor vehicles required to be registered  
5 under the Illinois Vehicle Code. Horticultural polyhouses or  
6 hoop houses used for propagating, growing, or overwintering  
7 plants shall be considered farm machinery and equipment under  
8 this item (11). Agricultural chemical tender tanks and dry  
9 boxes shall include units sold separately from a motor vehicle  
10 required to be licensed and units sold mounted on a motor  
11 vehicle required to be licensed if the selling price of the  
12 tender is separately stated.

13 Farm machinery and equipment shall include precision  
14 farming equipment that is installed or purchased to be  
15 installed on farm machinery and equipment including, but not  
16 limited to, tractors, harvesters, sprayers, planters, seeders,  
17 or spreaders. Precision farming equipment includes, but is not  
18 limited to, soil testing sensors, computers, monitors,  
19 software, global positioning and mapping systems, and other  
20 such equipment.

21 Farm machinery and equipment also includes computers,  
22 sensors, software, and related equipment used primarily in the  
23 computer-assisted operation of production agriculture  
24 facilities, equipment, and activities such as, but not limited  
25 to, the collection, monitoring, and correlation of animal and  
26 crop data for the purpose of formulating animal diets and

1 agricultural chemicals. This item (11) is exempt from the  
2 provisions of Section 3-90.

3 (12) Fuel and petroleum products sold to or used by an air  
4 common carrier, certified by the carrier to be used for  
5 consumption, shipment, or storage in the conduct of its  
6 business as an air common carrier, for a flight destined for or  
7 returning from a location or locations outside the United  
8 States without regard to previous or subsequent domestic  
9 stopovers.

10 (13) Proceeds of mandatory service charges separately  
11 stated on customers' bills for the purchase and consumption of  
12 food and beverages purchased at retail from a retailer, to the  
13 extent that the proceeds of the service charge are in fact  
14 turned over as tips or as a substitute for tips to the  
15 employees who participate directly in preparing, serving,  
16 hosting or cleaning up the food or beverage function with  
17 respect to which the service charge is imposed.

18 (14) Until July 1, 2003, oil field exploration, drilling,  
19 and production equipment, including (i) rigs and parts of rigs,  
20 rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and  
21 tubular goods, including casing and drill strings, (iii) pumps  
22 and pump-jack units, (iv) storage tanks and flow lines, (v) any  
23 individual replacement part for oil field exploration,  
24 drilling, and production equipment, and (vi) machinery and  
25 equipment purchased for lease; but excluding motor vehicles  
26 required to be registered under the Illinois Vehicle Code.

1           (15) Photoprocessing machinery and equipment, including  
2 repair and replacement parts, both new and used, including that  
3 manufactured on special order, certified by the purchaser to be  
4 used primarily for photoprocessing, and including  
5 photoprocessing machinery and equipment purchased for lease.

6           (16) Until July 1, 2003, coal exploration, mining,  
7 offhighway hauling, processing, maintenance, and reclamation  
8 equipment, including replacement parts and equipment, and  
9 including equipment purchased for lease, but excluding motor  
10 vehicles required to be registered under the Illinois Vehicle  
11 Code.

12           (17) Until July 1, 2003, distillation machinery and  
13 equipment, sold as a unit or kit, assembled or installed by the  
14 retailer, certified by the user to be used only for the  
15 production of ethyl alcohol that will be used for consumption  
16 as motor fuel or as a component of motor fuel for the personal  
17 use of the user, and not subject to sale or resale.

18           (18) Manufacturing and assembling machinery and equipment  
19 used primarily in the process of manufacturing or assembling  
20 tangible personal property for wholesale or retail sale or  
21 lease, whether that sale or lease is made directly by the  
22 manufacturer or by some other person, whether the materials  
23 used in the process are owned by the manufacturer or some other  
24 person, or whether that sale or lease is made apart from or as  
25 an incident to the seller's engaging in the service occupation  
26 of producing machines, tools, dies, jigs, patterns, gauges, or

1 other similar items of no commercial value on special order for  
2 a particular purchaser.

3 (19) Personal property delivered to a purchaser or  
4 purchaser's donee inside Illinois when the purchase order for  
5 that personal property was received by a florist located  
6 outside Illinois who has a florist located inside Illinois  
7 deliver the personal property.

8 (20) Semen used for artificial insemination of livestock  
9 for direct agricultural production.

10 (21) Horses, or interests in horses, registered with and  
11 meeting the requirements of any of the Arabian Horse Club  
12 Registry of America, Appaloosa Horse Club, American Quarter  
13 Horse Association, United States Trotting Association, or  
14 Jockey Club, as appropriate, used for purposes of breeding or  
15 racing for prizes. This item (21) is exempt from the provisions  
16 of Section 3-90, and the exemption provided for under this item  
17 (21) applies for all periods beginning May 30, 1995, but no  
18 claim for credit or refund is allowed on or after January 1,  
19 2008 for such taxes paid during the period beginning May 30,  
20 2000 and ending on January 1, 2008.

21 (22) Computers and communications equipment utilized for  
22 any hospital purpose and equipment used in the diagnosis,  
23 analysis, or treatment of hospital patients purchased by a  
24 lessor who leases the equipment, under a lease of one year or  
25 longer executed or in effect at the time the lessor would  
26 otherwise be subject to the tax imposed by this Act, to a

1 hospital that has been issued an active tax exemption  
2 identification number by the Department under Section 1g of the  
3 Retailers' Occupation Tax Act. If the equipment is leased in a  
4 manner that does not qualify for this exemption or is used in  
5 any other non-exempt manner, the lessor shall be liable for the  
6 tax imposed under this Act or the Service Use Tax Act, as the  
7 case may be, based on the fair market value of the property at  
8 the time the non-qualifying use occurs. No lessor shall collect  
9 or attempt to collect an amount (however designated) that  
10 purports to reimburse that lessor for the tax imposed by this  
11 Act or the Service Use Tax Act, as the case may be, if the tax  
12 has not been paid by the lessor. If a lessor improperly  
13 collects any such amount from the lessee, the lessee shall have  
14 a legal right to claim a refund of that amount from the lessor.  
15 If, however, that amount is not refunded to the lessee for any  
16 reason, the lessor is liable to pay that amount to the  
17 Department.

18 (23) Personal property purchased by a lessor who leases the  
19 property, under a lease of one year or longer executed or in  
20 effect at the time the lessor would otherwise be subject to the  
21 tax imposed by this Act, to a governmental body that has been  
22 issued an active sales tax exemption identification number by  
23 the Department under Section 1g of the Retailers' Occupation  
24 Tax Act. If the property is leased in a manner that does not  
25 qualify for this exemption or used in any other non-exempt  
26 manner, the lessor shall be liable for the tax imposed under

1 this Act or the Service Use Tax Act, as the case may be, based  
2 on the fair market value of the property at the time the  
3 non-qualifying use occurs. No lessor shall collect or attempt  
4 to collect an amount (however designated) that purports to  
5 reimburse that lessor for the tax imposed by this Act or the  
6 Service Use Tax Act, as the case may be, if the tax has not been  
7 paid by the lessor. If a lessor improperly collects any such  
8 amount from the lessee, the lessee shall have a legal right to  
9 claim a refund of that amount from the lessor. If, however,  
10 that amount is not refunded to the lessee for any reason, the  
11 lessor is liable to pay that amount to the Department.

12 (24) Beginning with taxable years ending on or after  
13 December 31, 1995 and ending with taxable years ending on or  
14 before December 31, 2004, personal property that is donated for  
15 disaster relief to be used in a State or federally declared  
16 disaster area in Illinois or bordering Illinois by a  
17 manufacturer or retailer that is registered in this State to a  
18 corporation, society, association, foundation, or institution  
19 that has been issued a sales tax exemption identification  
20 number by the Department that assists victims of the disaster  
21 who reside within the declared disaster area.

22 (25) Beginning with taxable years ending on or after  
23 December 31, 1995 and ending with taxable years ending on or  
24 before December 31, 2004, personal property that is used in the  
25 performance of infrastructure repairs in this State, including  
26 but not limited to municipal roads and streets, access roads,

1 bridges, sidewalks, waste disposal systems, water and sewer  
2 line extensions, water distribution and purification  
3 facilities, storm water drainage and retention facilities, and  
4 sewage treatment facilities, resulting from a State or  
5 federally declared disaster in Illinois or bordering Illinois  
6 when such repairs are initiated on facilities located in the  
7 declared disaster area within 6 months after the disaster.

8 (26) Beginning July 1, 1999, game or game birds purchased  
9 at a "game breeding and hunting preserve area" or an "exotic  
10 game hunting area" as those terms are used in the Wildlife Code  
11 or at a hunting enclosure approved through rules adopted by the  
12 Department of Natural Resources. This paragraph is exempt from  
13 the provisions of Section 3-90.

14 (27) A motor vehicle, as that term is defined in Section  
15 1-146 of the Illinois Vehicle Code, that is donated to a  
16 corporation, limited liability company, society, association,  
17 foundation, or institution that is determined by the Department  
18 to be organized and operated exclusively for educational  
19 purposes. For purposes of this exemption, "a corporation,  
20 limited liability company, society, association, foundation,  
21 or institution organized and operated exclusively for  
22 educational purposes" means all tax-supported public schools,  
23 private schools that offer systematic instruction in useful  
24 branches of learning by methods common to public schools and  
25 that compare favorably in their scope and intensity with the  
26 course of study presented in tax-supported schools, and

1 vocational or technical schools or institutes organized and  
2 operated exclusively to provide a course of study of not less  
3 than 6 weeks duration and designed to prepare individuals to  
4 follow a trade or to pursue a manual, technical, mechanical,  
5 industrial, business, or commercial occupation.

6 (28) Beginning January 1, 2000, personal property,  
7 including food, purchased through fundraising events for the  
8 benefit of a public or private elementary or secondary school,  
9 a group of those schools, or one or more school districts if  
10 the events are sponsored by an entity recognized by the school  
11 district that consists primarily of volunteers and includes  
12 parents and teachers of the school children. This paragraph  
13 does not apply to fundraising events (i) for the benefit of  
14 private home instruction or (ii) for which the fundraising  
15 entity purchases the personal property sold at the events from  
16 another individual or entity that sold the property for the  
17 purpose of resale by the fundraising entity and that profits  
18 from the sale to the fundraising entity. This paragraph is  
19 exempt from the provisions of Section 3-90.

20 (29) Beginning January 1, 2000 and through December 31,  
21 2001, new or used automatic vending machines that prepare and  
22 serve hot food and beverages, including coffee, soup, and other  
23 items, and replacement parts for these machines. Beginning  
24 January 1, 2002 and through June 30, 2003, machines and parts  
25 for machines used in commercial, coin-operated amusement and  
26 vending business if a use or occupation tax is paid on the

1 gross receipts derived from the use of the commercial,  
2 coin-operated amusement and vending machines. This paragraph  
3 is exempt from the provisions of Section 3-90.

4 (30) Beginning January 1, 2001 and through June 30, 2011,  
5 food for human consumption that is to be consumed off the  
6 premises where it is sold (other than alcoholic beverages, soft  
7 drinks, and food that has been prepared for immediate  
8 consumption) and prescription and nonprescription medicines,  
9 drugs, medical appliances, and insulin, urine testing  
10 materials, syringes, and needles used by diabetics, for human  
11 use, when purchased for use by a person receiving medical  
12 assistance under Article V of the Illinois Public Aid Code who  
13 resides in a licensed long-term care facility, as defined in  
14 the Nursing Home Care Act, or in a licensed facility as defined  
15 in the MR/DD Community Care Act.

16 (31) Beginning on the effective date of this amendatory Act  
17 of the 92nd General Assembly, computers and communications  
18 equipment utilized for any hospital purpose and equipment used  
19 in the diagnosis, analysis, or treatment of hospital patients  
20 purchased by a lessor who leases the equipment, under a lease  
21 of one year or longer executed or in effect at the time the  
22 lessor would otherwise be subject to the tax imposed by this  
23 Act, to a hospital that has been issued an active tax exemption  
24 identification number by the Department under Section 1g of the  
25 Retailers' Occupation Tax Act. If the equipment is leased in a  
26 manner that does not qualify for this exemption or is used in

1 any other nonexempt manner, the lessor shall be liable for the  
2 tax imposed under this Act or the Service Use Tax Act, as the  
3 case may be, based on the fair market value of the property at  
4 the time the nonqualifying use occurs. No lessor shall collect  
5 or attempt to collect an amount (however designated) that  
6 purports to reimburse that lessor for the tax imposed by this  
7 Act or the Service Use Tax Act, as the case may be, if the tax  
8 has not been paid by the lessor. If a lessor improperly  
9 collects any such amount from the lessee, the lessee shall have  
10 a legal right to claim a refund of that amount from the lessor.  
11 If, however, that amount is not refunded to the lessee for any  
12 reason, the lessor is liable to pay that amount to the  
13 Department. This paragraph is exempt from the provisions of  
14 Section 3-90.

15 (32) Beginning on the effective date of this amendatory Act  
16 of the 92nd General Assembly, personal property purchased by a  
17 lessor who leases the property, under a lease of one year or  
18 longer executed or in effect at the time the lessor would  
19 otherwise be subject to the tax imposed by this Act, to a  
20 governmental body that has been issued an active sales tax  
21 exemption identification number by the Department under  
22 Section 1g of the Retailers' Occupation Tax Act. If the  
23 property is leased in a manner that does not qualify for this  
24 exemption or used in any other nonexempt manner, the lessor  
25 shall be liable for the tax imposed under this Act or the  
26 Service Use Tax Act, as the case may be, based on the fair

1 market value of the property at the time the nonqualifying use  
2 occurs. No lessor shall collect or attempt to collect an amount  
3 (however designated) that purports to reimburse that lessor for  
4 the tax imposed by this Act or the Service Use Tax Act, as the  
5 case may be, if the tax has not been paid by the lessor. If a  
6 lessor improperly collects any such amount from the lessee, the  
7 lessee shall have a legal right to claim a refund of that  
8 amount from the lessor. If, however, that amount is not  
9 refunded to the lessee for any reason, the lessor is liable to  
10 pay that amount to the Department. This paragraph is exempt  
11 from the provisions of Section 3-90.

12 (33) On and after July 1, 2003 and through June 30, 2004,  
13 the use in this State of motor vehicles of the second division  
14 with a gross vehicle weight in excess of 8,000 pounds and that  
15 are subject to the commercial distribution fee imposed under  
16 Section 3-815.1 of the Illinois Vehicle Code. Beginning on July  
17 1, 2004 and through June 30, 2005, the use in this State of  
18 motor vehicles of the second division: (i) with a gross vehicle  
19 weight rating in excess of 8,000 pounds; (ii) that are subject  
20 to the commercial distribution fee imposed under Section  
21 3-815.1 of the Illinois Vehicle Code; and (iii) that are  
22 primarily used for commercial purposes. Through June 30, 2005,  
23 this exemption applies to repair and replacement parts added  
24 after the initial purchase of such a motor vehicle if that  
25 motor vehicle is used in a manner that would qualify for the  
26 rolling stock exemption otherwise provided for in this Act. For

1 purposes of this paragraph, the term "used for commercial  
2 purposes" means the transportation of persons or property in  
3 furtherance of any commercial or industrial enterprise,  
4 whether for-hire or not.

5 (34) Beginning January 1, 2008, tangible personal property  
6 used in the construction or maintenance of a community water  
7 supply, as defined under Section 3.145 of the Environmental  
8 Protection Act, that is operated by a not-for-profit  
9 corporation that holds a valid water supply permit issued under  
10 Title IV of the Environmental Protection Act. This paragraph is  
11 exempt from the provisions of Section 3-90.

12 (35) Beginning January 1, 2010, materials, parts,  
13 equipment, components, and furnishings incorporated into or  
14 upon an aircraft as part of the modification, refurbishment,  
15 completion, replacement, repair, or maintenance of the  
16 aircraft. This exemption includes consumable supplies used in  
17 the modification, refurbishment, completion, replacement,  
18 repair, and maintenance of aircraft, but excludes any  
19 materials, parts, equipment, components, and consumable  
20 supplies used in the modification, replacement, repair, and  
21 maintenance of aircraft engines or power plants, whether such  
22 engines or power plants are installed or uninstalled upon any  
23 such aircraft. "Consumable supplies" include, but are not  
24 limited to, adhesive, tape, sandpaper, general purpose  
25 lubricants, cleaning solution, latex gloves, and protective  
26 films. This exemption applies only to those organizations that

1 (i) hold an Air Agency Certificate and are empowered to operate  
2 an approved repair station by the Federal Aviation  
3 Administration, (ii) have a Class IV Rating, and (iii) conduct  
4 operations in accordance with Part 145 of the Federal Aviation  
5 Regulations. The exemption does not include aircraft operated  
6 by a commercial air carrier providing scheduled passenger air  
7 service pursuant to authority issued under Part 121 or Part 129  
8 of the Federal Aviation Regulations.

9 (36) ~~(35)~~ Tangible personal property purchased by a  
10 public-facilities corporation, as described in Section  
11 11-65-10 of the Illinois Municipal Code, for purposes of  
12 constructing or furnishing a municipal convention hall, but  
13 only if the legal title to the municipal convention hall is  
14 transferred to the municipality without any further  
15 consideration by or on behalf of the municipality at the time  
16 of the completion of the municipal convention hall or upon the  
17 retirement or redemption of any bonds or other debt instruments  
18 issued by the public-facilities corporation in connection with  
19 the development of the municipal convention hall. This  
20 exemption includes existing public-facilities corporations as  
21 provided in Section 11-65-25 of the Illinois Municipal Code.  
22 This paragraph is exempt from the provisions of Section 3-90.

23 (Source: P.A. 95-88, eff. 1-1-08; 95-538, eff. 1-1-08; 95-876,  
24 eff. 8-21-08; 96-116, eff. 7-31-09; 96-339, eff. 7-1-10;  
25 96-532, eff. 8-14-09; 96-759, eff. 1-1-10; revised 9-25-09.)

1 (35 ILCS 105/3-10)

2 Sec. 3-10. Rate of tax. Unless otherwise provided in this  
3 Section, the tax imposed by this Act is at the rate of 6.25% of  
4 either the selling price or the fair market value, if any, of  
5 the tangible personal property. In all cases where property  
6 functionally used or consumed is the same as the property that  
7 was purchased at retail, then the tax is imposed on the selling  
8 price of the property. In all cases where property functionally  
9 used or consumed is a by-product or waste product that has been  
10 refined, manufactured, or produced from property purchased at  
11 retail, then the tax is imposed on the lower of the fair market  
12 value, if any, of the specific property so used in this State  
13 or on the selling price of the property purchased at retail.  
14 For purposes of this Section "fair market value" means the  
15 price at which property would change hands between a willing  
16 buyer and a willing seller, neither being under any compulsion  
17 to buy or sell and both having reasonable knowledge of the  
18 relevant facts. The fair market value shall be established by  
19 Illinois sales by the taxpayer of the same property as that  
20 functionally used or consumed, or if there are no such sales by  
21 the taxpayer, then comparable sales or purchases of property of  
22 like kind and character in Illinois.

23 Beginning on July 1, 2000 and through December 31, 2000,  
24 with respect to motor fuel, as defined in Section 1.1 of the  
25 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of  
26 the Use Tax Act, the tax is imposed at the rate of 1.25%.

1           With respect to gasohol, the tax imposed by this Act  
2 applies to (i) 70% of the proceeds of sales made on or after  
3 January 1, 1990, and before July 1, 2003, (ii) 80% of the  
4 proceeds of sales made on or after July 1, 2003 and on or  
5 before December 31, 2013, and (iii) 100% of the proceeds of  
6 sales made thereafter. If, at any time, however, the tax under  
7 this Act on sales of gasohol is imposed at the rate of 1.25%,  
8 then the tax imposed by this Act applies to 100% of the  
9 proceeds of sales of gasohol made during that time.

10           With respect to majority blended ethanol fuel, the tax  
11 imposed by this Act does not apply to the proceeds of sales  
12 made on or after July 1, 2003 and on or before December 31,  
13 2013 but applies to 100% of the proceeds of sales made  
14 thereafter.

15           With respect to biodiesel blends with no less than 1% and  
16 no more than 10% biodiesel, the tax imposed by this Act applies  
17 to (i) 80% of the proceeds of sales made on or after July 1,  
18 2003 and on or before December 31, 2013 and (ii) 100% of the  
19 proceeds of sales made thereafter. If, at any time, however,  
20 the tax under this Act on sales of biodiesel blends with no  
21 less than 1% and no more than 10% biodiesel is imposed at the  
22 rate of 1.25%, then the tax imposed by this Act applies to 100%  
23 of the proceeds of sales of biodiesel blends with no less than  
24 1% and no more than 10% biodiesel made during that time.

25           With respect to 100% biodiesel and biodiesel blends with  
26 more than 10% but no more than 99% biodiesel, the tax imposed

1 by this Act does not apply to the proceeds of sales made on or  
2 after July 1, 2003 and on or before December 31, 2013 but  
3 applies to 100% of the proceeds of sales made thereafter.

4 With respect to food for human consumption that is to be  
5 consumed off the premises where it is sold (other than  
6 alcoholic beverages, soft drinks, and food that has been  
7 prepared for immediate consumption) and prescription and  
8 nonprescription medicines, drugs, medical appliances,  
9 modifications to a motor vehicle for the purpose of rendering  
10 it usable by a disabled person, and insulin, urine testing  
11 materials, syringes, and needles used by diabetics, for human  
12 use, the tax is imposed at the rate of 1%. For the purposes of  
13 this Section, until September 1, 2009: the term "soft drinks"  
14 means any complete, finished, ready-to-use, non-alcoholic  
15 drink, whether carbonated or not, including but not limited to  
16 soda water, cola, fruit juice, vegetable juice, carbonated  
17 water, and all other preparations commonly known as soft drinks  
18 of whatever kind or description that are contained in any  
19 closed or sealed bottle, can, carton, or container, regardless  
20 of size; but "soft drinks" does not include coffee, tea,  
21 non-carbonated water, infant formula, milk or milk products as  
22 defined in the Grade A Pasteurized Milk and Milk Products Act,  
23 or drinks containing 50% or more natural fruit or vegetable  
24 juice.

25 Notwithstanding any other provisions of this Act,  
26 beginning September 1, 2009, "soft drinks" means non-alcoholic

1 beverages that contain natural or artificial sweeteners. "Soft  
2 drinks" do not include beverages that contain milk or milk  
3 products, soy, rice or similar milk substitutes, or greater  
4 than 50% of vegetable or fruit juice by volume.

5       Until August 1, 2009, and notwithstanding any other  
6 provisions of this Act, "food for human consumption that is to  
7 be consumed off the premises where it is sold" includes all  
8 food sold through a vending machine, except soft drinks, and  
9 food products that are dispensed hot from a vending machine,  
10 regardless of the location of the vending machine. Beginning  
11 August 1, 2009, and notwithstanding any other provisions of  
12 this Act, "food for human consumption that is to be consumed  
13 off the premises where it is sold" includes all food sold  
14 through a vending machine, except soft drinks, candy, and food  
15 products that are dispensed hot from a vending machine,  
16 regardless of the location of the vending machine.

17       Notwithstanding any other provisions of this Act,  
18 beginning September 1, 2009, "food for human consumption that  
19 is to be consumed off the premises where it is sold" does not  
20 include candy. For purposes of this Section, "candy" means a  
21 preparation of sugar, honey, or other natural or artificial  
22 sweeteners in combination with chocolate, fruits, nuts or other  
23 ingredients or flavorings in the form of bars, drops, or  
24 pieces. "Candy" does not include any preparation that contains  
25 flour or requires refrigeration.

26       Notwithstanding any other provisions of this Act,

1 beginning September 1, 2009, "nonprescription medicines and  
2 drugs" does not include grooming and hygiene products. For  
3 purposes of this Section, "grooming and hygiene products"  
4 includes, but is not limited to, soaps and cleaning solutions,  
5 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan  
6 lotions and screens, unless those products are available by  
7 prescription only, regardless of whether the products meet the  
8 definition of "over-the-counter-drugs". For the purposes of  
9 this paragraph, "over-the-counter-drug" means a drug for human  
10 use that contains a label that identifies the product as a drug  
11 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"  
12 label includes:

13 (A) A "Drug Facts" panel; or

14 (B) A statement of the "active ingredient(s)" with a  
15 list of those ingredients contained in the compound,  
16 substance or preparation.

17 If the property that is purchased at retail from a retailer  
18 is acquired outside Illinois and used outside Illinois before  
19 being brought to Illinois for use here and is taxable under  
20 this Act, the "selling price" on which the tax is computed  
21 shall be reduced by an amount that represents a reasonable  
22 allowance for depreciation for the period of prior out-of-state  
23 use.

24 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-38,  
25 eff. 7-13-09; revised 8-20-09.)

1 (35 ILCS 105/10) (from Ch. 120, par. 439.10)

2 Sec. 10. Except as to motor vehicles, aircraft, watercraft,  
3 and trailers, and except as to cigarettes as defined in the  
4 Cigarette Use Tax Act, when tangible personal property is  
5 purchased from a retailer for use in this State by a purchaser  
6 who did not pay the tax imposed by this Act to the retailer,  
7 and who does not file returns with the Department as a retailer  
8 under Section 9 of this Act, such purchaser (by the last day of  
9 the month following the calendar month in which such purchaser  
10 makes any payment upon the selling price of such property)  
11 shall, except as provided in this Section, file a return with  
12 the Department and pay the tax upon that portion of the selling  
13 price so paid by the purchaser during the preceding calendar  
14 month. When tangible personal property, including but not  
15 limited to motor vehicles and aircraft, is purchased by a  
16 lessor, under a lease for one year or longer, executed or in  
17 effect at the time of purchase to an interstate carrier for  
18 hire, who did not pay the tax imposed by this Act to the  
19 retailer, such lessor (by the last day of the month following  
20 the calendar month in which such property reverts to the use of  
21 such lessor) shall file a return with the Department and pay  
22 the tax upon the fair market value of such property on the date  
23 of such reversion. However, in determining the fair market  
24 value at the time of reversion, the fair market value of such  
25 property shall not exceed the original purchase price of the  
26 property that was paid by the lessor at the time of purchase.

1 Such return shall be filed on a form prescribed by the  
2 Department and shall contain such information as the Department  
3 may reasonably require. Such return and payment from the  
4 purchaser shall be submitted to the Department sooner than the  
5 last day of the month after the month in which the purchase is  
6 made to the extent that that may be necessary in order to  
7 secure the title to a motor vehicle or the certificate of  
8 registration for an aircraft. However, except as to motor  
9 vehicles and aircraft, and except as to cigarettes as defined  
10 in the Cigarette Use Tax Act, if the purchaser's annual use tax  
11 liability does not exceed \$600, the purchaser may file the  
12 return on an annual basis on or before April 15th of the year  
13 following the year use tax liability was incurred.

14 If cigarettes, as defined in the Cigarette Use Tax Act, are  
15 purchased from a retailer for use in this State by a purchaser  
16 who did not pay the tax imposed by this Act to the retailer,  
17 and who does not file returns with the Department as a retailer  
18 under Section 9 of this Act, such purchaser must, within 30  
19 days after acquiring the cigarettes, file a return with the  
20 Department and pay the tax upon that portion of the selling  
21 price so paid by the purchaser for the cigarettes.

22 In addition with respect to motor vehicles, aircraft,  
23 watercraft, and trailers, a purchaser of such tangible personal  
24 property for use in this State, who purchases such tangible  
25 personal property from an out-of-state retailer, shall file  
26 with the Department, upon a form to be prescribed and supplied

1 by the Department, a return for each such item of tangible  
2 personal property purchased, except that if, in the same  
3 transaction, (i) a purchaser of motor vehicles, aircraft,  
4 watercraft, or trailers who is a retailer of motor vehicles,  
5 aircraft, watercraft, or trailers purchases more than one motor  
6 vehicle, aircraft, watercraft, or trailer for the purpose of  
7 resale or (ii) a purchaser of motor vehicles, aircraft,  
8 watercraft, or trailers purchases more than one motor vehicle,  
9 aircraft, watercraft, or trailer for use as qualifying rolling  
10 stock as provided in Section 3-55 of this Act, then the  
11 purchaser may report the purchase of all motor vehicles,  
12 aircraft, watercraft, or trailers involved in that transaction  
13 to the Department on a single return prescribed by the  
14 Department. Such return in the case of motor vehicles and  
15 aircraft must show the name and address of the seller, the  
16 name, address of purchaser, the amount of the selling price  
17 including the amount allowed by the retailer for traded in  
18 property, if any; the amount allowed by the retailer for the  
19 traded-in tangible personal property, if any, to the extent to  
20 which Section 2 of this Act allows an exemption for the value  
21 of traded-in property; the balance payable after deducting such  
22 trade-in allowance from the total selling price; the amount of  
23 tax due from the purchaser with respect to such transaction;  
24 the amount of tax collected from the purchaser by the retailer  
25 on such transaction (or satisfactory evidence that such tax is  
26 not due in that particular instance if that is claimed to be

1 the fact); the place and date of the sale, a sufficient  
2 identification of the property sold, and such other information  
3 as the Department may reasonably require.

4 Such return shall be filed not later than 30 days after  
5 such motor vehicle or aircraft is brought into this State for  
6 use.

7 For purposes of this Section, "watercraft" means a Class 2,  
8 Class 3, or Class 4 watercraft as defined in Section 3-2 of the  
9 Boat Registration and Safety Act, a personal watercraft, or any  
10 boat equipped with an inboard motor.

11 The return and tax remittance or proof of exemption from  
12 the tax that is imposed by this Act may be transmitted to the  
13 Department by way of the State agency with which, or State  
14 officer with whom, the tangible personal property must be  
15 titled or registered (if titling or registration is required)  
16 if the Department and such agency or State officer determine  
17 that this procedure will expedite the processing of  
18 applications for title or registration.

19 With each such return, the purchaser shall remit the proper  
20 amount of tax due (or shall submit satisfactory evidence that  
21 the sale is not taxable if that is the case), to the Department  
22 or its agents, whereupon the Department shall issue, in the  
23 purchaser's name, a tax receipt (or a certificate of exemption  
24 if the Department is satisfied that the particular sale is tax  
25 exempt) which such purchaser may submit to the agency with  
26 which, or State officer with whom, he must title or register

1 the tangible personal property that is involved (if titling or  
2 registration is required) in support of such purchaser's  
3 application for an Illinois certificate or other evidence of  
4 title or registration to such tangible personal property.

5 When a purchaser pays a tax imposed by this Act directly to  
6 the Department, the Department (upon request therefor from such  
7 purchaser) shall issue an appropriate receipt to such purchaser  
8 showing that he has paid such tax to the Department. Such  
9 receipt shall be sufficient to relieve the purchaser from  
10 further liability for the tax to which such receipt may refer.

11 A user who is liable to pay use tax directly to the  
12 Department only occasionally and not on a frequently recurring  
13 basis, and who is not required to file returns with the  
14 Department as a retailer under Section 9 of this Act, or under  
15 the "Retailers' Occupation Tax Act", or as a registrant with  
16 the Department under the "Service Occupation Tax Act" or the  
17 "Service Use Tax Act", need not register with the Department.  
18 However, if such a user has a frequently recurring direct use  
19 tax liability to pay to the Department, such user shall be  
20 required to register with the Department on forms prescribed by  
21 the Department and to obtain and display a certificate of  
22 registration from the Department. In that event, all of the  
23 provisions of Section 9 of this Act concerning the filing of  
24 regular monthly, quarterly or annual tax returns and all of the  
25 provisions of Section 2a of the "Retailers' Occupation Tax Act"  
26 concerning the requirements for registrants to post bond or

1 other security with the Department, as the provisions of such  
2 sections now exist or may hereafter be amended, shall apply to  
3 such users to the same extent as if such provisions were  
4 included herein.

5 (Source: P.A. 96-520, eff. 8-14-09; revised 10-30-09.)

6 Section 200. The Service Use Tax Act is amended by changing  
7 Sections 3-5 and 3-10 as follows:

8 (35 ILCS 110/3-5)

9 (Text of Section before amendment by P.A. 96-339)

10 Sec. 3-5. Exemptions. Use of the following tangible  
11 personal property is exempt from the tax imposed by this Act:

12 (1) Personal property purchased from a corporation,  
13 society, association, foundation, institution, or  
14 organization, other than a limited liability company, that is  
15 organized and operated as a not-for-profit service enterprise  
16 for the benefit of persons 65 years of age or older if the  
17 personal property was not purchased by the enterprise for the  
18 purpose of resale by the enterprise.

19 (2) Personal property purchased by a non-profit Illinois  
20 county fair association for use in conducting, operating, or  
21 promoting the county fair.

22 (3) Personal property purchased by a not-for-profit arts or  
23 cultural organization that establishes, by proof required by  
24 the Department by rule, that it has received an exemption under

1 Section 501(c)(3) of the Internal Revenue Code and that is  
2 organized and operated primarily for the presentation or  
3 support of arts or cultural programming, activities, or  
4 services. These organizations include, but are not limited to,  
5 music and dramatic arts organizations such as symphony  
6 orchestras and theatrical groups, arts and cultural service  
7 organizations, local arts councils, visual arts organizations,  
8 and media arts organizations. On and after the effective date  
9 of this amendatory Act of the 92nd General Assembly, however,  
10 an entity otherwise eligible for this exemption shall not make  
11 tax-free purchases unless it has an active identification  
12 number issued by the Department.

13 (4) Legal tender, currency, medallions, or gold or silver  
14 coinage issued by the State of Illinois, the government of the  
15 United States of America, or the government of any foreign  
16 country, and bullion.

17 (5) Until July 1, 2003 and beginning again on September 1,  
18 2004 through August 30, 2014, graphic arts machinery and  
19 equipment, including repair and replacement parts, both new and  
20 used, and including that manufactured on special order or  
21 purchased for lease, certified by the purchaser to be used  
22 primarily for graphic arts production. Equipment includes  
23 chemicals or chemicals acting as catalysts but only if the  
24 chemicals or chemicals acting as catalysts effect a direct and  
25 immediate change upon a graphic arts product.

26 (6) Personal property purchased from a teacher-sponsored

1 student organization affiliated with an elementary or  
2 secondary school located in Illinois.

3 (7) Farm machinery and equipment, both new and used,  
4 including that manufactured on special order, certified by the  
5 purchaser to be used primarily for production agriculture or  
6 State or federal agricultural programs, including individual  
7 replacement parts for the machinery and equipment, including  
8 machinery and equipment purchased for lease, and including  
9 implements of husbandry defined in Section 1-130 of the  
10 Illinois Vehicle Code, farm machinery and agricultural  
11 chemical and fertilizer spreaders, and nurse wagons required to  
12 be registered under Section 3-809 of the Illinois Vehicle Code,  
13 but excluding other motor vehicles required to be registered  
14 under the Illinois Vehicle Code. Horticultural polyhouses or  
15 hoop houses used for propagating, growing, or overwintering  
16 plants shall be considered farm machinery and equipment under  
17 this item (7). Agricultural chemical tender tanks and dry boxes  
18 shall include units sold separately from a motor vehicle  
19 required to be licensed and units sold mounted on a motor  
20 vehicle required to be licensed if the selling price of the  
21 tender is separately stated.

22 Farm machinery and equipment shall include precision  
23 farming equipment that is installed or purchased to be  
24 installed on farm machinery and equipment including, but not  
25 limited to, tractors, harvesters, sprayers, planters, seeders,  
26 or spreaders. Precision farming equipment includes, but is not

1 limited to, soil testing sensors, computers, monitors,  
2 software, global positioning and mapping systems, and other  
3 such equipment.

4 Farm machinery and equipment also includes computers,  
5 sensors, software, and related equipment used primarily in the  
6 computer-assisted operation of production agriculture  
7 facilities, equipment, and activities such as, but not limited  
8 to, the collection, monitoring, and correlation of animal and  
9 crop data for the purpose of formulating animal diets and  
10 agricultural chemicals. This item (7) is exempt from the  
11 provisions of Section 3-75.

12 (8) Fuel and petroleum products sold to or used by an air  
13 common carrier, certified by the carrier to be used for  
14 consumption, shipment, or storage in the conduct of its  
15 business as an air common carrier, for a flight destined for or  
16 returning from a location or locations outside the United  
17 States without regard to previous or subsequent domestic  
18 stopovers.

19 (9) Proceeds of mandatory service charges separately  
20 stated on customers' bills for the purchase and consumption of  
21 food and beverages acquired as an incident to the purchase of a  
22 service from a serviceman, to the extent that the proceeds of  
23 the service charge are in fact turned over as tips or as a  
24 substitute for tips to the employees who participate directly  
25 in preparing, serving, hosting or cleaning up the food or  
26 beverage function with respect to which the service charge is

1 imposed.

2 (10) Until July 1, 2003, oil field exploration, drilling,  
3 and production equipment, including (i) rigs and parts of rigs,  
4 rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and  
5 tubular goods, including casing and drill strings, (iii) pumps  
6 and pump-jack units, (iv) storage tanks and flow lines, (v) any  
7 individual replacement part for oil field exploration,  
8 drilling, and production equipment, and (vi) machinery and  
9 equipment purchased for lease; but excluding motor vehicles  
10 required to be registered under the Illinois Vehicle Code.

11 (11) Proceeds from the sale of photoprocessing machinery  
12 and equipment, including repair and replacement parts, both new  
13 and used, including that manufactured on special order,  
14 certified by the purchaser to be used primarily for  
15 photoprocessing, and including photoprocessing machinery and  
16 equipment purchased for lease.

17 (12) Until July 1, 2003, coal exploration, mining,  
18 offhighway hauling, processing, maintenance, and reclamation  
19 equipment, including replacement parts and equipment, and  
20 including equipment purchased for lease, but excluding motor  
21 vehicles required to be registered under the Illinois Vehicle  
22 Code.

23 (13) Semen used for artificial insemination of livestock  
24 for direct agricultural production.

25 (14) Horses, or interests in horses, registered with and  
26 meeting the requirements of any of the Arabian Horse Club

1 Registry of America, Appaloosa Horse Club, American Quarter  
2 Horse Association, United States Trotting Association, or  
3 Jockey Club, as appropriate, used for purposes of breeding or  
4 racing for prizes. This item (14) is exempt from the provisions  
5 of Section 3-75, and the exemption provided for under this item  
6 (14) applies for all periods beginning May 30, 1995, but no  
7 claim for credit or refund is allowed on or after the effective  
8 date of this amendatory Act of the 95th General Assembly for  
9 such taxes paid during the period beginning May 30, 2000 and  
10 ending on the effective date of this amendatory Act of the 95th  
11 General Assembly.

12 (15) Computers and communications equipment utilized for  
13 any hospital purpose and equipment used in the diagnosis,  
14 analysis, or treatment of hospital patients purchased by a  
15 lessor who leases the equipment, under a lease of one year or  
16 longer executed or in effect at the time the lessor would  
17 otherwise be subject to the tax imposed by this Act, to a  
18 hospital that has been issued an active tax exemption  
19 identification number by the Department under Section 1g of the  
20 Retailers' Occupation Tax Act. If the equipment is leased in a  
21 manner that does not qualify for this exemption or is used in  
22 any other non-exempt manner, the lessor shall be liable for the  
23 tax imposed under this Act or the Use Tax Act, as the case may  
24 be, based on the fair market value of the property at the time  
25 the non-qualifying use occurs. No lessor shall collect or  
26 attempt to collect an amount (however designated) that purports

1 to reimburse that lessor for the tax imposed by this Act or the  
2 Use Tax Act, as the case may be, if the tax has not been paid by  
3 the lessor. If a lessor improperly collects any such amount  
4 from the lessee, the lessee shall have a legal right to claim a  
5 refund of that amount from the lessor. If, however, that amount  
6 is not refunded to the lessee for any reason, the lessor is  
7 liable to pay that amount to the Department.

8 (16) Personal property purchased by a lessor who leases the  
9 property, under a lease of one year or longer executed or in  
10 effect at the time the lessor would otherwise be subject to the  
11 tax imposed by this Act, to a governmental body that has been  
12 issued an active tax exemption identification number by the  
13 Department under Section 1g of the Retailers' Occupation Tax  
14 Act. If the property is leased in a manner that does not  
15 qualify for this exemption or is used in any other non-exempt  
16 manner, the lessor shall be liable for the tax imposed under  
17 this Act or the Use Tax Act, as the case may be, based on the  
18 fair market value of the property at the time the  
19 non-qualifying use occurs. No lessor shall collect or attempt  
20 to collect an amount (however designated) that purports to  
21 reimburse that lessor for the tax imposed by this Act or the  
22 Use Tax Act, as the case may be, if the tax has not been paid by  
23 the lessor. If a lessor improperly collects any such amount  
24 from the lessee, the lessee shall have a legal right to claim a  
25 refund of that amount from the lessor. If, however, that amount  
26 is not refunded to the lessee for any reason, the lessor is

1 liable to pay that amount to the Department.

2 (17) Beginning with taxable years ending on or after  
3 December 31, 1995 and ending with taxable years ending on or  
4 before December 31, 2004, personal property that is donated for  
5 disaster relief to be used in a State or federally declared  
6 disaster area in Illinois or bordering Illinois by a  
7 manufacturer or retailer that is registered in this State to a  
8 corporation, society, association, foundation, or institution  
9 that has been issued a sales tax exemption identification  
10 number by the Department that assists victims of the disaster  
11 who reside within the declared disaster area.

12 (18) Beginning with taxable years ending on or after  
13 December 31, 1995 and ending with taxable years ending on or  
14 before December 31, 2004, personal property that is used in the  
15 performance of infrastructure repairs in this State, including  
16 but not limited to municipal roads and streets, access roads,  
17 bridges, sidewalks, waste disposal systems, water and sewer  
18 line extensions, water distribution and purification  
19 facilities, storm water drainage and retention facilities, and  
20 sewage treatment facilities, resulting from a State or  
21 federally declared disaster in Illinois or bordering Illinois  
22 when such repairs are initiated on facilities located in the  
23 declared disaster area within 6 months after the disaster.

24 (19) Beginning July 1, 1999, game or game birds purchased  
25 at a "game breeding and hunting preserve area" or an "exotic  
26 game hunting area" as those terms are used in the Wildlife Code

1 or at a hunting enclosure approved through rules adopted by the  
2 Department of Natural Resources. This paragraph is exempt from  
3 the provisions of Section 3-75.

4 (20) A motor vehicle, as that term is defined in Section  
5 1-146 of the Illinois Vehicle Code, that is donated to a  
6 corporation, limited liability company, society, association,  
7 foundation, or institution that is determined by the Department  
8 to be organized and operated exclusively for educational  
9 purposes. For purposes of this exemption, "a corporation,  
10 limited liability company, society, association, foundation,  
11 or institution organized and operated exclusively for  
12 educational purposes" means all tax-supported public schools,  
13 private schools that offer systematic instruction in useful  
14 branches of learning by methods common to public schools and  
15 that compare favorably in their scope and intensity with the  
16 course of study presented in tax-supported schools, and  
17 vocational or technical schools or institutes organized and  
18 operated exclusively to provide a course of study of not less  
19 than 6 weeks duration and designed to prepare individuals to  
20 follow a trade or to pursue a manual, technical, mechanical,  
21 industrial, business, or commercial occupation.

22 (21) Beginning January 1, 2000, personal property,  
23 including food, purchased through fundraising events for the  
24 benefit of a public or private elementary or secondary school,  
25 a group of those schools, or one or more school districts if  
26 the events are sponsored by an entity recognized by the school

1 district that consists primarily of volunteers and includes  
2 parents and teachers of the school children. This paragraph  
3 does not apply to fundraising events (i) for the benefit of  
4 private home instruction or (ii) for which the fundraising  
5 entity purchases the personal property sold at the events from  
6 another individual or entity that sold the property for the  
7 purpose of resale by the fundraising entity and that profits  
8 from the sale to the fundraising entity. This paragraph is  
9 exempt from the provisions of Section 3-75.

10 (22) Beginning January 1, 2000 and through December 31,  
11 2001, new or used automatic vending machines that prepare and  
12 serve hot food and beverages, including coffee, soup, and other  
13 items, and replacement parts for these machines. Beginning  
14 January 1, 2002 and through June 30, 2003, machines and parts  
15 for machines used in commercial, coin-operated amusement and  
16 vending business if a use or occupation tax is paid on the  
17 gross receipts derived from the use of the commercial,  
18 coin-operated amusement and vending machines. This paragraph  
19 is exempt from the provisions of Section 3-75.

20 (23) Beginning August 23, 2001 and through June 30, 2011,  
21 food for human consumption that is to be consumed off the  
22 premises where it is sold (other than alcoholic beverages, soft  
23 drinks, and food that has been prepared for immediate  
24 consumption) and prescription and nonprescription medicines,  
25 drugs, medical appliances, and insulin, urine testing  
26 materials, syringes, and needles used by diabetics, for human

1 use, when purchased for use by a person receiving medical  
2 assistance under Article 5 of the Illinois Public Aid Code who  
3 resides in a licensed long-term care facility, as defined in  
4 the Nursing Home Care Act.

5 (24) Beginning on the effective date of this amendatory Act  
6 of the 92nd General Assembly, computers and communications  
7 equipment utilized for any hospital purpose and equipment used  
8 in the diagnosis, analysis, or treatment of hospital patients  
9 purchased by a lessor who leases the equipment, under a lease  
10 of one year or longer executed or in effect at the time the  
11 lessor would otherwise be subject to the tax imposed by this  
12 Act, to a hospital that has been issued an active tax exemption  
13 identification number by the Department under Section 1g of the  
14 Retailers' Occupation Tax Act. If the equipment is leased in a  
15 manner that does not qualify for this exemption or is used in  
16 any other nonexempt manner, the lessor shall be liable for the  
17 tax imposed under this Act or the Use Tax Act, as the case may  
18 be, based on the fair market value of the property at the time  
19 the nonqualifying use occurs. No lessor shall collect or  
20 attempt to collect an amount (however designated) that purports  
21 to reimburse that lessor for the tax imposed by this Act or the  
22 Use Tax Act, as the case may be, if the tax has not been paid by  
23 the lessor. If a lessor improperly collects any such amount  
24 from the lessee, the lessee shall have a legal right to claim a  
25 refund of that amount from the lessor. If, however, that amount  
26 is not refunded to the lessee for any reason, the lessor is

1 liable to pay that amount to the Department. This paragraph is  
2 exempt from the provisions of Section 3-75.

3 (25) Beginning on the effective date of this amendatory Act  
4 of the 92nd General Assembly, personal property purchased by a  
5 lessor who leases the property, under a lease of one year or  
6 longer executed or in effect at the time the lessor would  
7 otherwise be subject to the tax imposed by this Act, to a  
8 governmental body that has been issued an active tax exemption  
9 identification number by the Department under Section 1g of the  
10 Retailers' Occupation Tax Act. If the property is leased in a  
11 manner that does not qualify for this exemption or is used in  
12 any other nonexempt manner, the lessor shall be liable for the  
13 tax imposed under this Act or the Use Tax Act, as the case may  
14 be, based on the fair market value of the property at the time  
15 the nonqualifying use occurs. No lessor shall collect or  
16 attempt to collect an amount (however designated) that purports  
17 to reimburse that lessor for the tax imposed by this Act or the  
18 Use Tax Act, as the case may be, if the tax has not been paid by  
19 the lessor. If a lessor improperly collects any such amount  
20 from the lessee, the lessee shall have a legal right to claim a  
21 refund of that amount from the lessor. If, however, that amount  
22 is not refunded to the lessee for any reason, the lessor is  
23 liable to pay that amount to the Department. This paragraph is  
24 exempt from the provisions of Section 3-75.

25 (26) Beginning January 1, 2008, tangible personal property  
26 used in the construction or maintenance of a community water

1 supply, as defined under Section 3.145 of the Environmental  
2 Protection Act, that is operated by a not-for-profit  
3 corporation that holds a valid water supply permit issued under  
4 Title IV of the Environmental Protection Act. This paragraph is  
5 exempt from the provisions of Section 3-75.

6 (27) Beginning January 1, 2010, materials, parts,  
7 equipment, components, and furnishings incorporated into or  
8 upon an aircraft as part of the modification, refurbishment,  
9 completion, replacement, repair, or maintenance of the  
10 aircraft. This exemption includes consumable supplies used in  
11 the modification, refurbishment, completion, replacement,  
12 repair, and maintenance of aircraft, but excludes any  
13 materials, parts, equipment, components, and consumable  
14 supplies used in the modification, replacement, repair, and  
15 maintenance of aircraft engines or power plants, whether such  
16 engines or power plants are installed or uninstalled upon any  
17 such aircraft. "Consumable supplies" include, but are not  
18 limited to, adhesive, tape, sandpaper, general purpose  
19 lubricants, cleaning solution, latex gloves, and protective  
20 films. This exemption applies only to those organizations that  
21 (i) hold an Air Agency Certificate and are empowered to operate  
22 an approved repair station by the Federal Aviation  
23 Administration, (ii) have a Class IV Rating, and (iii) conduct  
24 operations in accordance with Part 145 of the Federal Aviation  
25 Regulations. The exemption does not include aircraft operated  
26 by a commercial air carrier providing scheduled passenger air

1 service pursuant to authority issued under Part 121 or Part 129  
2 of the Federal Aviation Regulations.

3 (28) ~~(27)~~ Tangible personal property purchased by a  
4 public-facilities corporation, as described in Section  
5 11-65-10 of the Illinois Municipal Code, for purposes of  
6 constructing or furnishing a municipal convention hall, but  
7 only if the legal title to the municipal convention hall is  
8 transferred to the municipality without any further  
9 consideration by or on behalf of the municipality at the time  
10 of the completion of the municipal convention hall or upon the  
11 retirement or redemption of any bonds or other debt instruments  
12 issued by the public-facilities corporation in connection with  
13 the development of the municipal convention hall. This  
14 exemption includes existing public-facilities corporations as  
15 provided in Section 11-65-25 of the Illinois Municipal Code.  
16 This paragraph is exempt from the provisions of Section 3-75.  
17 (Source: P.A. 95-88, eff. 1-1-08; 95-538, eff. 1-1-08; 95-876,  
18 eff. 8-21-08; 96-116, eff. 7-31-09; 96-532, eff. 8-14-09;  
19 96-759, eff. 1-1-10; revised 9-25-09.)

20 (Text of Section after amendment by P.A. 96-339)

21 Sec. 3-5. Exemptions. Use of the following tangible  
22 personal property is exempt from the tax imposed by this Act:

23 (1) Personal property purchased from a corporation,  
24 society, association, foundation, institution, or  
25 organization, other than a limited liability company, that is

1 organized and operated as a not-for-profit service enterprise  
2 for the benefit of persons 65 years of age or older if the  
3 personal property was not purchased by the enterprise for the  
4 purpose of resale by the enterprise.

5 (2) Personal property purchased by a non-profit Illinois  
6 county fair association for use in conducting, operating, or  
7 promoting the county fair.

8 (3) Personal property purchased by a not-for-profit arts or  
9 cultural organization that establishes, by proof required by  
10 the Department by rule, that it has received an exemption under  
11 Section 501(c)(3) of the Internal Revenue Code and that is  
12 organized and operated primarily for the presentation or  
13 support of arts or cultural programming, activities, or  
14 services. These organizations include, but are not limited to,  
15 music and dramatic arts organizations such as symphony  
16 orchestras and theatrical groups, arts and cultural service  
17 organizations, local arts councils, visual arts organizations,  
18 and media arts organizations. On and after the effective date  
19 of this amendatory Act of the 92nd General Assembly, however,  
20 an entity otherwise eligible for this exemption shall not make  
21 tax-free purchases unless it has an active identification  
22 number issued by the Department.

23 (4) Legal tender, currency, medallions, or gold or silver  
24 coinage issued by the State of Illinois, the government of the  
25 United States of America, or the government of any foreign  
26 country, and bullion.

1 (5) Until July 1, 2003 and beginning again on September 1,  
2 2004 through August 30, 2014, graphic arts machinery and  
3 equipment, including repair and replacement parts, both new and  
4 used, and including that manufactured on special order or  
5 purchased for lease, certified by the purchaser to be used  
6 primarily for graphic arts production. Equipment includes  
7 chemicals or chemicals acting as catalysts but only if the  
8 chemicals or chemicals acting as catalysts effect a direct and  
9 immediate change upon a graphic arts product.

10 (6) Personal property purchased from a teacher-sponsored  
11 student organization affiliated with an elementary or  
12 secondary school located in Illinois.

13 (7) Farm machinery and equipment, both new and used,  
14 including that manufactured on special order, certified by the  
15 purchaser to be used primarily for production agriculture or  
16 State or federal agricultural programs, including individual  
17 replacement parts for the machinery and equipment, including  
18 machinery and equipment purchased for lease, and including  
19 implements of husbandry defined in Section 1-130 of the  
20 Illinois Vehicle Code, farm machinery and agricultural  
21 chemical and fertilizer spreaders, and nurse wagons required to  
22 be registered under Section 3-809 of the Illinois Vehicle Code,  
23 but excluding other motor vehicles required to be registered  
24 under the Illinois Vehicle Code. Horticultural polyhouses or  
25 hoop houses used for propagating, growing, or overwintering  
26 plants shall be considered farm machinery and equipment under

1 this item (7). Agricultural chemical tender tanks and dry boxes  
2 shall include units sold separately from a motor vehicle  
3 required to be licensed and units sold mounted on a motor  
4 vehicle required to be licensed if the selling price of the  
5 tender is separately stated.

6 Farm machinery and equipment shall include precision  
7 farming equipment that is installed or purchased to be  
8 installed on farm machinery and equipment including, but not  
9 limited to, tractors, harvesters, sprayers, planters, seeders,  
10 or spreaders. Precision farming equipment includes, but is not  
11 limited to, soil testing sensors, computers, monitors,  
12 software, global positioning and mapping systems, and other  
13 such equipment.

14 Farm machinery and equipment also includes computers,  
15 sensors, software, and related equipment used primarily in the  
16 computer-assisted operation of production agriculture  
17 facilities, equipment, and activities such as, but not limited  
18 to, the collection, monitoring, and correlation of animal and  
19 crop data for the purpose of formulating animal diets and  
20 agricultural chemicals. This item (7) is exempt from the  
21 provisions of Section 3-75.

22 (8) Fuel and petroleum products sold to or used by an air  
23 common carrier, certified by the carrier to be used for  
24 consumption, shipment, or storage in the conduct of its  
25 business as an air common carrier, for a flight destined for or  
26 returning from a location or locations outside the United

1 States without regard to previous or subsequent domestic  
2 stopovers.

3 (9) Proceeds of mandatory service charges separately  
4 stated on customers' bills for the purchase and consumption of  
5 food and beverages acquired as an incident to the purchase of a  
6 service from a serviceman, to the extent that the proceeds of  
7 the service charge are in fact turned over as tips or as a  
8 substitute for tips to the employees who participate directly  
9 in preparing, serving, hosting or cleaning up the food or  
10 beverage function with respect to which the service charge is  
11 imposed.

12 (10) Until July 1, 2003, oil field exploration, drilling,  
13 and production equipment, including (i) rigs and parts of rigs,  
14 rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and  
15 tubular goods, including casing and drill strings, (iii) pumps  
16 and pump-jack units, (iv) storage tanks and flow lines, (v) any  
17 individual replacement part for oil field exploration,  
18 drilling, and production equipment, and (vi) machinery and  
19 equipment purchased for lease; but excluding motor vehicles  
20 required to be registered under the Illinois Vehicle Code.

21 (11) Proceeds from the sale of photoprocessing machinery  
22 and equipment, including repair and replacement parts, both new  
23 and used, including that manufactured on special order,  
24 certified by the purchaser to be used primarily for  
25 photoprocessing, and including photoprocessing machinery and  
26 equipment purchased for lease.

1           (12) Until July 1, 2003, coal exploration, mining,  
2 offhighway hauling, processing, maintenance, and reclamation  
3 equipment, including replacement parts and equipment, and  
4 including equipment purchased for lease, but excluding motor  
5 vehicles required to be registered under the Illinois Vehicle  
6 Code.

7           (13) Semen used for artificial insemination of livestock  
8 for direct agricultural production.

9           (14) Horses, or interests in horses, registered with and  
10 meeting the requirements of any of the Arabian Horse Club  
11 Registry of America, Appaloosa Horse Club, American Quarter  
12 Horse Association, United States Trotting Association, or  
13 Jockey Club, as appropriate, used for purposes of breeding or  
14 racing for prizes. This item (14) is exempt from the provisions  
15 of Section 3-75, and the exemption provided for under this item  
16 (14) applies for all periods beginning May 30, 1995, but no  
17 claim for credit or refund is allowed on or after the effective  
18 date of this amendatory Act of the 95th General Assembly for  
19 such taxes paid during the period beginning May 30, 2000 and  
20 ending on the effective date of this amendatory Act of the 95th  
21 General Assembly.

22           (15) Computers and communications equipment utilized for  
23 any hospital purpose and equipment used in the diagnosis,  
24 analysis, or treatment of hospital patients purchased by a  
25 lessor who leases the equipment, under a lease of one year or  
26 longer executed or in effect at the time the lessor would

1 otherwise be subject to the tax imposed by this Act, to a  
2 hospital that has been issued an active tax exemption  
3 identification number by the Department under Section 1g of the  
4 Retailers' Occupation Tax Act. If the equipment is leased in a  
5 manner that does not qualify for this exemption or is used in  
6 any other non-exempt manner, the lessor shall be liable for the  
7 tax imposed under this Act or the Use Tax Act, as the case may  
8 be, based on the fair market value of the property at the time  
9 the non-qualifying use occurs. No lessor shall collect or  
10 attempt to collect an amount (however designated) that purports  
11 to reimburse that lessor for the tax imposed by this Act or the  
12 Use Tax Act, as the case may be, if the tax has not been paid by  
13 the lessor. If a lessor improperly collects any such amount  
14 from the lessee, the lessee shall have a legal right to claim a  
15 refund of that amount from the lessor. If, however, that amount  
16 is not refunded to the lessee for any reason, the lessor is  
17 liable to pay that amount to the Department.

18 (16) Personal property purchased by a lessor who leases the  
19 property, under a lease of one year or longer executed or in  
20 effect at the time the lessor would otherwise be subject to the  
21 tax imposed by this Act, to a governmental body that has been  
22 issued an active tax exemption identification number by the  
23 Department under Section 1g of the Retailers' Occupation Tax  
24 Act. If the property is leased in a manner that does not  
25 qualify for this exemption or is used in any other non-exempt  
26 manner, the lessor shall be liable for the tax imposed under

1 this Act or the Use Tax Act, as the case may be, based on the  
2 fair market value of the property at the time the  
3 non-qualifying use occurs. No lessor shall collect or attempt  
4 to collect an amount (however designated) that purports to  
5 reimburse that lessor for the tax imposed by this Act or the  
6 Use Tax Act, as the case may be, if the tax has not been paid by  
7 the lessor. If a lessor improperly collects any such amount  
8 from the lessee, the lessee shall have a legal right to claim a  
9 refund of that amount from the lessor. If, however, that amount  
10 is not refunded to the lessee for any reason, the lessor is  
11 liable to pay that amount to the Department.

12 (17) Beginning with taxable years ending on or after  
13 December 31, 1995 and ending with taxable years ending on or  
14 before December 31, 2004, personal property that is donated for  
15 disaster relief to be used in a State or federally declared  
16 disaster area in Illinois or bordering Illinois by a  
17 manufacturer or retailer that is registered in this State to a  
18 corporation, society, association, foundation, or institution  
19 that has been issued a sales tax exemption identification  
20 number by the Department that assists victims of the disaster  
21 who reside within the declared disaster area.

22 (18) Beginning with taxable years ending on or after  
23 December 31, 1995 and ending with taxable years ending on or  
24 before December 31, 2004, personal property that is used in the  
25 performance of infrastructure repairs in this State, including  
26 but not limited to municipal roads and streets, access roads,

1 bridges, sidewalks, waste disposal systems, water and sewer  
2 line extensions, water distribution and purification  
3 facilities, storm water drainage and retention facilities, and  
4 sewage treatment facilities, resulting from a State or  
5 federally declared disaster in Illinois or bordering Illinois  
6 when such repairs are initiated on facilities located in the  
7 declared disaster area within 6 months after the disaster.

8 (19) Beginning July 1, 1999, game or game birds purchased  
9 at a "game breeding and hunting preserve area" or an "exotic  
10 game hunting area" as those terms are used in the Wildlife Code  
11 or at a hunting enclosure approved through rules adopted by the  
12 Department of Natural Resources. This paragraph is exempt from  
13 the provisions of Section 3-75.

14 (20) A motor vehicle, as that term is defined in Section  
15 1-146 of the Illinois Vehicle Code, that is donated to a  
16 corporation, limited liability company, society, association,  
17 foundation, or institution that is determined by the Department  
18 to be organized and operated exclusively for educational  
19 purposes. For purposes of this exemption, "a corporation,  
20 limited liability company, society, association, foundation,  
21 or institution organized and operated exclusively for  
22 educational purposes" means all tax-supported public schools,  
23 private schools that offer systematic instruction in useful  
24 branches of learning by methods common to public schools and  
25 that compare favorably in their scope and intensity with the  
26 course of study presented in tax-supported schools, and

1 vocational or technical schools or institutes organized and  
2 operated exclusively to provide a course of study of not less  
3 than 6 weeks duration and designed to prepare individuals to  
4 follow a trade or to pursue a manual, technical, mechanical,  
5 industrial, business, or commercial occupation.

6 (21) Beginning January 1, 2000, personal property,  
7 including food, purchased through fundraising events for the  
8 benefit of a public or private elementary or secondary school,  
9 a group of those schools, or one or more school districts if  
10 the events are sponsored by an entity recognized by the school  
11 district that consists primarily of volunteers and includes  
12 parents and teachers of the school children. This paragraph  
13 does not apply to fundraising events (i) for the benefit of  
14 private home instruction or (ii) for which the fundraising  
15 entity purchases the personal property sold at the events from  
16 another individual or entity that sold the property for the  
17 purpose of resale by the fundraising entity and that profits  
18 from the sale to the fundraising entity. This paragraph is  
19 exempt from the provisions of Section 3-75.

20 (22) Beginning January 1, 2000 and through December 31,  
21 2001, new or used automatic vending machines that prepare and  
22 serve hot food and beverages, including coffee, soup, and other  
23 items, and replacement parts for these machines. Beginning  
24 January 1, 2002 and through June 30, 2003, machines and parts  
25 for machines used in commercial, coin-operated amusement and  
26 vending business if a use or occupation tax is paid on the

1 gross receipts derived from the use of the commercial,  
2 coin-operated amusement and vending machines. This paragraph  
3 is exempt from the provisions of Section 3-75.

4 (23) Beginning August 23, 2001 and through June 30, 2011,  
5 food for human consumption that is to be consumed off the  
6 premises where it is sold (other than alcoholic beverages, soft  
7 drinks, and food that has been prepared for immediate  
8 consumption) and prescription and nonprescription medicines,  
9 drugs, medical appliances, and insulin, urine testing  
10 materials, syringes, and needles used by diabetics, for human  
11 use, when purchased for use by a person receiving medical  
12 assistance under Article V of the Illinois Public Aid Code who  
13 resides in a licensed long-term care facility, as defined in  
14 the Nursing Home Care Act, or in a licensed facility as defined  
15 in the MR/DD Community Care Act.

16 (24) Beginning on the effective date of this amendatory Act  
17 of the 92nd General Assembly, computers and communications  
18 equipment utilized for any hospital purpose and equipment used  
19 in the diagnosis, analysis, or treatment of hospital patients  
20 purchased by a lessor who leases the equipment, under a lease  
21 of one year or longer executed or in effect at the time the  
22 lessor would otherwise be subject to the tax imposed by this  
23 Act, to a hospital that has been issued an active tax exemption  
24 identification number by the Department under Section 1g of the  
25 Retailers' Occupation Tax Act. If the equipment is leased in a  
26 manner that does not qualify for this exemption or is used in

1 any other nonexempt manner, the lessor shall be liable for the  
2 tax imposed under this Act or the Use Tax Act, as the case may  
3 be, based on the fair market value of the property at the time  
4 the nonqualifying use occurs. No lessor shall collect or  
5 attempt to collect an amount (however designated) that purports  
6 to reimburse that lessor for the tax imposed by this Act or the  
7 Use Tax Act, as the case may be, if the tax has not been paid by  
8 the lessor. If a lessor improperly collects any such amount  
9 from the lessee, the lessee shall have a legal right to claim a  
10 refund of that amount from the lessor. If, however, that amount  
11 is not refunded to the lessee for any reason, the lessor is  
12 liable to pay that amount to the Department. This paragraph is  
13 exempt from the provisions of Section 3-75.

14 (25) Beginning on the effective date of this amendatory Act  
15 of the 92nd General Assembly, personal property purchased by a  
16 lessor who leases the property, under a lease of one year or  
17 longer executed or in effect at the time the lessor would  
18 otherwise be subject to the tax imposed by this Act, to a  
19 governmental body that has been issued an active tax exemption  
20 identification number by the Department under Section 1g of the  
21 Retailers' Occupation Tax Act. If the property is leased in a  
22 manner that does not qualify for this exemption or is used in  
23 any other nonexempt manner, the lessor shall be liable for the  
24 tax imposed under this Act or the Use Tax Act, as the case may  
25 be, based on the fair market value of the property at the time  
26 the nonqualifying use occurs. No lessor shall collect or

1 attempt to collect an amount (however designated) that purports  
2 to reimburse that lessor for the tax imposed by this Act or the  
3 Use Tax Act, as the case may be, if the tax has not been paid by  
4 the lessor. If a lessor improperly collects any such amount  
5 from the lessee, the lessee shall have a legal right to claim a  
6 refund of that amount from the lessor. If, however, that amount  
7 is not refunded to the lessee for any reason, the lessor is  
8 liable to pay that amount to the Department. This paragraph is  
9 exempt from the provisions of Section 3-75.

10 (26) Beginning January 1, 2008, tangible personal property  
11 used in the construction or maintenance of a community water  
12 supply, as defined under Section 3.145 of the Environmental  
13 Protection Act, that is operated by a not-for-profit  
14 corporation that holds a valid water supply permit issued under  
15 Title IV of the Environmental Protection Act. This paragraph is  
16 exempt from the provisions of Section 3-75.

17 (27) Beginning January 1, 2010, materials, parts,  
18 equipment, components, and furnishings incorporated into or  
19 upon an aircraft as part of the modification, refurbishment,  
20 completion, replacement, repair, or maintenance of the  
21 aircraft. This exemption includes consumable supplies used in  
22 the modification, refurbishment, completion, replacement,  
23 repair, and maintenance of aircraft, but excludes any  
24 materials, parts, equipment, components, and consumable  
25 supplies used in the modification, replacement, repair, and  
26 maintenance of aircraft engines or power plants, whether such

1 engines or power plants are installed or uninstalled upon any  
2 such aircraft. "Consumable supplies" include, but are not  
3 limited to, adhesive, tape, sandpaper, general purpose  
4 lubricants, cleaning solution, latex gloves, and protective  
5 films. This exemption applies only to those organizations that  
6 (i) hold an Air Agency Certificate and are empowered to operate  
7 an approved repair station by the Federal Aviation  
8 Administration, (ii) have a Class IV Rating, and (iii) conduct  
9 operations in accordance with Part 145 of the Federal Aviation  
10 Regulations. The exemption does not include aircraft operated  
11 by a commercial air carrier providing scheduled passenger air  
12 service pursuant to authority issued under Part 121 or Part 129  
13 of the Federal Aviation Regulations.

14 (28) ~~(27)~~ Tangible personal property purchased by a  
15 public-facilities corporation, as described in Section  
16 11-65-10 of the Illinois Municipal Code, for purposes of  
17 constructing or furnishing a municipal convention hall, but  
18 only if the legal title to the municipal convention hall is  
19 transferred to the municipality without any further  
20 consideration by or on behalf of the municipality at the time  
21 of the completion of the municipal convention hall or upon the  
22 retirement or redemption of any bonds or other debt instruments  
23 issued by the public-facilities corporation in connection with  
24 the development of the municipal convention hall. This  
25 exemption includes existing public-facilities corporations as  
26 provided in Section 11-65-25 of the Illinois Municipal Code.

1 This paragraph is exempt from the provisions of Section 3-75.  
2 (Source: P.A. 95-88, eff. 1-1-08; 95-538, eff. 1-1-08; 95-876,  
3 eff. 8-21-08; 96-116, eff. 7-31-09; 96-339, eff. 7-1-10;  
4 96-532, eff. 8-14-09; 96-759, eff. 1-1-10; revised 9-25-09.)

5 (35 ILCS 110/3-10) (from Ch. 120, par. 439.33-10)

6 (Text of Section before amendment by P.A. 96-339)

7 Sec. 3-10. Rate of tax. Unless otherwise provided in this  
8 Section, the tax imposed by this Act is at the rate of 6.25% of  
9 the selling price of tangible personal property transferred as  
10 an incident to the sale of service, but, for the purpose of  
11 computing this tax, in no event shall the selling price be less  
12 than the cost price of the property to the serviceman.

13 Beginning on July 1, 2000 and through December 31, 2000,  
14 with respect to motor fuel, as defined in Section 1.1 of the  
15 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of  
16 the Use Tax Act, the tax is imposed at the rate of 1.25%.

17 With respect to gasohol, as defined in the Use Tax Act, the  
18 tax imposed by this Act applies to (i) 70% of the selling price  
19 of property transferred as an incident to the sale of service  
20 on or after January 1, 1990, and before July 1, 2003, (ii) 80%  
21 of the selling price of property transferred as an incident to  
22 the sale of service on or after July 1, 2003 and on or before  
23 December 31, 2013, and (iii) 100% of the selling price  
24 thereafter. If, at any time, however, the tax under this Act on  
25 sales of gasohol, as defined in the Use Tax Act, is imposed at

1 the rate of 1.25%, then the tax imposed by this Act applies to  
2 100% of the proceeds of sales of gasohol made during that time.

3 With respect to majority blended ethanol fuel, as defined  
4 in the Use Tax Act, the tax imposed by this Act does not apply  
5 to the selling price of property transferred as an incident to  
6 the sale of service on or after July 1, 2003 and on or before  
7 December 31, 2013 but applies to 100% of the selling price  
8 thereafter.

9 With respect to biodiesel blends, as defined in the Use Tax  
10 Act, with no less than 1% and no more than 10% biodiesel, the  
11 tax imposed by this Act applies to (i) 80% of the selling price  
12 of property transferred as an incident to the sale of service  
13 on or after July 1, 2003 and on or before December 31, 2013 and  
14 (ii) 100% of the proceeds of the selling price thereafter. If,  
15 at any time, however, the tax under this Act on sales of  
16 biodiesel blends, as defined in the Use Tax Act, with no less  
17 than 1% and no more than 10% biodiesel is imposed at the rate  
18 of 1.25%, then the tax imposed by this Act applies to 100% of  
19 the proceeds of sales of biodiesel blends with no less than 1%  
20 and no more than 10% biodiesel made during that time.

21 With respect to 100% biodiesel, as defined in the Use Tax  
22 Act, and biodiesel blends, as defined in the Use Tax Act, with  
23 more than 10% but no more than 99% biodiesel, the tax imposed  
24 by this Act does not apply to the proceeds of the selling price  
25 of property transferred as an incident to the sale of service  
26 on or after July 1, 2003 and on or before December 31, 2013 but

1 applies to 100% of the selling price thereafter.

2 At the election of any registered serviceman made for each  
3 fiscal year, sales of service in which the aggregate annual  
4 cost price of tangible personal property transferred as an  
5 incident to the sales of service is less than 35%, or 75% in  
6 the case of servicemen transferring prescription drugs or  
7 servicemen engaged in graphic arts production, of the aggregate  
8 annual total gross receipts from all sales of service, the tax  
9 imposed by this Act shall be based on the serviceman's cost  
10 price of the tangible personal property transferred as an  
11 incident to the sale of those services.

12 The tax shall be imposed at the rate of 1% on food prepared  
13 for immediate consumption and transferred incident to a sale of  
14 service subject to this Act or the Service Occupation Tax Act  
15 by an entity licensed under the Hospital Licensing Act, the  
16 Nursing Home Care Act, or the Child Care Act of 1969. The tax  
17 shall also be imposed at the rate of 1% on food for human  
18 consumption that is to be consumed off the premises where it is  
19 sold (other than alcoholic beverages, soft drinks, and food  
20 that has been prepared for immediate consumption and is not  
21 otherwise included in this paragraph) and prescription and  
22 nonprescription medicines, drugs, medical appliances,  
23 modifications to a motor vehicle for the purpose of rendering  
24 it usable by a disabled person, and insulin, urine testing  
25 materials, syringes, and needles used by diabetics, for human  
26 use. For the purposes of this Section, until September 1, 2009:

1 the term "soft drinks" means any complete, finished,  
2 ready-to-use, non-alcoholic drink, whether carbonated or not,  
3 including but not limited to soda water, cola, fruit juice,  
4 vegetable juice, carbonated water, and all other preparations  
5 commonly known as soft drinks of whatever kind or description  
6 that are contained in any closed or sealed bottle, can, carton,  
7 or container, regardless of size; but "soft drinks" does not  
8 include coffee, tea, non-carbonated water, infant formula,  
9 milk or milk products as defined in the Grade A Pasteurized  
10 Milk and Milk Products Act, or drinks containing 50% or more  
11 natural fruit or vegetable juice.

12 Notwithstanding any other provisions of this Act,  
13 beginning September 1, 2009, "soft drinks" means non-alcoholic  
14 beverages that contain natural or artificial sweeteners. "Soft  
15 drinks" do not include beverages that contain milk or milk  
16 products, soy, rice or similar milk substitutes, or greater  
17 than 50% of vegetable or fruit juice by volume.

18 Until August 1, 2009, and notwithstanding any other  
19 provisions of this Act, "food for human consumption that is to  
20 be consumed off the premises where it is sold" includes all  
21 food sold through a vending machine, except soft drinks, and  
22 food products that are dispensed hot from a vending machine,  
23 regardless of the location of the vending machine. Beginning  
24 August 1, 2009, and notwithstanding any other provisions of  
25 this Act, "food for human consumption that is to be consumed  
26 off the premises where it is sold" includes all food sold

1 through a vending machine, except soft drinks, candy, and food  
2 products that are dispensed hot from a vending machine,  
3 regardless of the location of the vending machine.

4 Notwithstanding any other provisions of this Act,  
5 beginning September 1, 2009, "food for human consumption that  
6 is to be consumed off the premises where it is sold" does not  
7 include candy. For purposes of this Section, "candy" means a  
8 preparation of sugar, honey, or other natural or artificial  
9 sweeteners in combination with chocolate, fruits, nuts or other  
10 ingredients or flavorings in the form of bars, drops, or  
11 pieces. "Candy" does not include any preparation that contains  
12 flour or requires refrigeration.

13 Notwithstanding any other provisions of this Act,  
14 beginning September 1, 2009, "nonprescription medicines and  
15 drugs" does not include grooming and hygiene products. For  
16 purposes of this Section, "grooming and hygiene products"  
17 includes, but is not limited to, soaps and cleaning solutions,  
18 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan  
19 lotions and screens, unless those products are available by  
20 prescription only, regardless of whether the products meet the  
21 definition of "over-the-counter-drugs". For the purposes of  
22 this paragraph, "over-the-counter-drug" means a drug for human  
23 use that contains a label that identifies the product as a drug  
24 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"  
25 label includes:

26 (A) A "Drug Facts" panel; or

1 (B) A statement of the "active ingredient(s)" with a  
2 list of those ingredients contained in the compound,  
3 substance or preparation.

4 If the property that is acquired from a serviceman is  
5 acquired outside Illinois and used outside Illinois before  
6 being brought to Illinois for use here and is taxable under  
7 this Act, the "selling price" on which the tax is computed  
8 shall be reduced by an amount that represents a reasonable  
9 allowance for depreciation for the period of prior out-of-state  
10 use.

11 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-38,  
12 eff. 7-13-09; revised 9-25-09.)

13 (Text of Section after amendment by P.A. 96-339)

14 Sec. 3-10. Rate of tax. Unless otherwise provided in this  
15 Section, the tax imposed by this Act is at the rate of 6.25% of  
16 the selling price of tangible personal property transferred as  
17 an incident to the sale of service, but, for the purpose of  
18 computing this tax, in no event shall the selling price be less  
19 than the cost price of the property to the serviceman.

20 Beginning on July 1, 2000 and through December 31, 2000,  
21 with respect to motor fuel, as defined in Section 1.1 of the  
22 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of  
23 the Use Tax Act, the tax is imposed at the rate of 1.25%.

24 With respect to gasohol, as defined in the Use Tax Act, the  
25 tax imposed by this Act applies to (i) 70% of the selling price

1 of property transferred as an incident to the sale of service  
2 on or after January 1, 1990, and before July 1, 2003, (ii) 80%  
3 of the selling price of property transferred as an incident to  
4 the sale of service on or after July 1, 2003 and on or before  
5 December 31, 2013, and (iii) 100% of the selling price  
6 thereafter. If, at any time, however, the tax under this Act on  
7 sales of gasohol, as defined in the Use Tax Act, is imposed at  
8 the rate of 1.25%, then the tax imposed by this Act applies to  
9 100% of the proceeds of sales of gasohol made during that time.

10 With respect to majority blended ethanol fuel, as defined  
11 in the Use Tax Act, the tax imposed by this Act does not apply  
12 to the selling price of property transferred as an incident to  
13 the sale of service on or after July 1, 2003 and on or before  
14 December 31, 2013 but applies to 100% of the selling price  
15 thereafter.

16 With respect to biodiesel blends, as defined in the Use Tax  
17 Act, with no less than 1% and no more than 10% biodiesel, the  
18 tax imposed by this Act applies to (i) 80% of the selling price  
19 of property transferred as an incident to the sale of service  
20 on or after July 1, 2003 and on or before December 31, 2013 and  
21 (ii) 100% of the proceeds of the selling price thereafter. If,  
22 at any time, however, the tax under this Act on sales of  
23 biodiesel blends, as defined in the Use Tax Act, with no less  
24 than 1% and no more than 10% biodiesel is imposed at the rate  
25 of 1.25%, then the tax imposed by this Act applies to 100% of  
26 the proceeds of sales of biodiesel blends with no less than 1%

1 and no more than 10% biodiesel made during that time.

2 With respect to 100% biodiesel, as defined in the Use Tax  
3 Act, and biodiesel blends, as defined in the Use Tax Act, with  
4 more than 10% but no more than 99% biodiesel, the tax imposed  
5 by this Act does not apply to the proceeds of the selling price  
6 of property transferred as an incident to the sale of service  
7 on or after July 1, 2003 and on or before December 31, 2013 but  
8 applies to 100% of the selling price thereafter.

9 At the election of any registered serviceman made for each  
10 fiscal year, sales of service in which the aggregate annual  
11 cost price of tangible personal property transferred as an  
12 incident to the sales of service is less than 35%, or 75% in  
13 the case of servicemen transferring prescription drugs or  
14 servicemen engaged in graphic arts production, of the aggregate  
15 annual total gross receipts from all sales of service, the tax  
16 imposed by this Act shall be based on the serviceman's cost  
17 price of the tangible personal property transferred as an  
18 incident to the sale of those services.

19 The tax shall be imposed at the rate of 1% on food prepared  
20 for immediate consumption and transferred incident to a sale of  
21 service subject to this Act or the Service Occupation Tax Act  
22 by an entity licensed under the Hospital Licensing Act, the  
23 Nursing Home Care Act, the MR/DD Community Care Act, or the  
24 Child Care Act of 1969. The tax shall also be imposed at the  
25 rate of 1% on food for human consumption that is to be consumed  
26 off the premises where it is sold (other than alcoholic

1 beverages, soft drinks, and food that has been prepared for  
2 immediate consumption and is not otherwise included in this  
3 paragraph) and prescription and nonprescription medicines,  
4 drugs, medical appliances, modifications to a motor vehicle for  
5 the purpose of rendering it usable by a disabled person, and  
6 insulin, urine testing materials, syringes, and needles used by  
7 diabetics, for human use. For the purposes of this Section,  
8 until September 1, 2009: the term "soft drinks" means any  
9 complete, finished, ready-to-use, non-alcoholic drink, whether  
10 carbonated or not, including but not limited to soda water,  
11 cola, fruit juice, vegetable juice, carbonated water, and all  
12 other preparations commonly known as soft drinks of whatever  
13 kind or description that are contained in any closed or sealed  
14 bottle, can, carton, or container, regardless of size; but  
15 "soft drinks" does not include coffee, tea, non-carbonated  
16 water, infant formula, milk or milk products as defined in the  
17 Grade A Pasteurized Milk and Milk Products Act, or drinks  
18 containing 50% or more natural fruit or vegetable juice.

19 Notwithstanding any other provisions of this Act,  
20 beginning September 1, 2009, "soft drinks" means non-alcoholic  
21 beverages that contain natural or artificial sweeteners. "Soft  
22 drinks" do not include beverages that contain milk or milk  
23 products, soy, rice or similar milk substitutes, or greater  
24 than 50% of vegetable or fruit juice by volume.

25 Until August 1, 2009, and notwithstanding any other  
26 provisions of this Act, "food for human consumption that is to

1 be consumed off the premises where it is sold" includes all  
2 food sold through a vending machine, except soft drinks, and  
3 food products that are dispensed hot from a vending machine,  
4 regardless of the location of the vending machine. Beginning  
5 August 1, 2009, and notwithstanding any other provisions of  
6 this Act, "food for human consumption that is to be consumed  
7 off the premises where it is sold" includes all food sold  
8 through a vending machine, except soft drinks, candy, and food  
9 products that are dispensed hot from a vending machine,  
10 regardless of the location of the vending machine.

11 Notwithstanding any other provisions of this Act,  
12 beginning September 1, 2009, "food for human consumption that  
13 is to be consumed off the premises where it is sold" does not  
14 include candy. For purposes of this Section, "candy" means a  
15 preparation of sugar, honey, or other natural or artificial  
16 sweeteners in combination with chocolate, fruits, nuts or other  
17 ingredients or flavorings in the form of bars, drops, or  
18 pieces. "Candy" does not include any preparation that contains  
19 flour or requires refrigeration.

20 Notwithstanding any other provisions of this Act,  
21 beginning September 1, 2009, "nonprescription medicines and  
22 drugs" does not include grooming and hygiene products. For  
23 purposes of this Section, "grooming and hygiene products"  
24 includes, but is not limited to, soaps and cleaning solutions,  
25 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan  
26 lotions and screens, unless those products are available by

1 prescription only, regardless of whether the products meet the  
2 definition of "over-the-counter-drugs". For the purposes of  
3 this paragraph, "over-the-counter-drug" means a drug for human  
4 use that contains a label that identifies the product as a drug  
5 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"  
6 label includes:

7 (A) A "Drug Facts" panel; or

8 (B) A statement of the "active ingredient(s)" with a  
9 list of those ingredients contained in the compound,  
10 substance or preparation.

11 If the property that is acquired from a serviceman is  
12 acquired outside Illinois and used outside Illinois before  
13 being brought to Illinois for use here and is taxable under  
14 this Act, the "selling price" on which the tax is computed  
15 shall be reduced by an amount that represents a reasonable  
16 allowance for depreciation for the period of prior out-of-state  
17 use.

18 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-38,  
19 eff. 7-13-09; 96-339, eff. 7-1-10; revised 9-25-09.)

20 Section 205. The Service Occupation Tax Act is amended by  
21 changing Sections 3-5 and 3-10 as follows:

22 (35 ILCS 115/3-5)

23 (Text of Section before amendment by P.A. 96-339)

24 Sec. 3-5. Exemptions. The following tangible personal

1 property is exempt from the tax imposed by this Act:

2 (1) Personal property sold by a corporation, society,  
3 association, foundation, institution, or organization, other  
4 than a limited liability company, that is organized and  
5 operated as a not-for-profit service enterprise for the benefit  
6 of persons 65 years of age or older if the personal property  
7 was not purchased by the enterprise for the purpose of resale  
8 by the enterprise.

9 (2) Personal property purchased by a not-for-profit  
10 Illinois county fair association for use in conducting,  
11 operating, or promoting the county fair.

12 (3) Personal property purchased by any not-for-profit arts  
13 or cultural organization that establishes, by proof required by  
14 the Department by rule, that it has received an exemption under  
15 Section 501(c)(3) of the Internal Revenue Code and that is  
16 organized and operated primarily for the presentation or  
17 support of arts or cultural programming, activities, or  
18 services. These organizations include, but are not limited to,  
19 music and dramatic arts organizations such as symphony  
20 orchestras and theatrical groups, arts and cultural service  
21 organizations, local arts councils, visual arts organizations,  
22 and media arts organizations. On and after the effective date  
23 of this amendatory Act of the 92nd General Assembly, however,  
24 an entity otherwise eligible for this exemption shall not make  
25 tax-free purchases unless it has an active identification  
26 number issued by the Department.

1           (4) Legal tender, currency, medallions, or gold or silver  
2 coinage issued by the State of Illinois, the government of the  
3 United States of America, or the government of any foreign  
4 country, and bullion.

5           (5) Until July 1, 2003 and beginning again on September 1,  
6 2004 through August 30, 2014, graphic arts machinery and  
7 equipment, including repair and replacement parts, both new and  
8 used, and including that manufactured on special order or  
9 purchased for lease, certified by the purchaser to be used  
10 primarily for graphic arts production. Equipment includes  
11 chemicals or chemicals acting as catalysts but only if the  
12 chemicals or chemicals acting as catalysts effect a direct and  
13 immediate change upon a graphic arts product.

14           (6) Personal property sold by a teacher-sponsored student  
15 organization affiliated with an elementary or secondary school  
16 located in Illinois.

17           (7) Farm machinery and equipment, both new and used,  
18 including that manufactured on special order, certified by the  
19 purchaser to be used primarily for production agriculture or  
20 State or federal agricultural programs, including individual  
21 replacement parts for the machinery and equipment, including  
22 machinery and equipment purchased for lease, and including  
23 implements of husbandry defined in Section 1-130 of the  
24 Illinois Vehicle Code, farm machinery and agricultural  
25 chemical and fertilizer spreaders, and nurse wagons required to  
26 be registered under Section 3-809 of the Illinois Vehicle Code,

1 but excluding other motor vehicles required to be registered  
2 under the Illinois Vehicle Code. Horticultural polyhouses or  
3 hoop houses used for propagating, growing, or overwintering  
4 plants shall be considered farm machinery and equipment under  
5 this item (7). Agricultural chemical tender tanks and dry boxes  
6 shall include units sold separately from a motor vehicle  
7 required to be licensed and units sold mounted on a motor  
8 vehicle required to be licensed if the selling price of the  
9 tender is separately stated.

10 Farm machinery and equipment shall include precision  
11 farming equipment that is installed or purchased to be  
12 installed on farm machinery and equipment including, but not  
13 limited to, tractors, harvesters, sprayers, planters, seeders,  
14 or spreaders. Precision farming equipment includes, but is not  
15 limited to, soil testing sensors, computers, monitors,  
16 software, global positioning and mapping systems, and other  
17 such equipment.

18 Farm machinery and equipment also includes computers,  
19 sensors, software, and related equipment used primarily in the  
20 computer-assisted operation of production agriculture  
21 facilities, equipment, and activities such as, but not limited  
22 to, the collection, monitoring, and correlation of animal and  
23 crop data for the purpose of formulating animal diets and  
24 agricultural chemicals. This item (7) is exempt from the  
25 provisions of Section 3-55.

26 (8) Fuel and petroleum products sold to or used by an air

1 common carrier, certified by the carrier to be used for  
2 consumption, shipment, or storage in the conduct of its  
3 business as an air common carrier, for a flight destined for or  
4 returning from a location or locations outside the United  
5 States without regard to previous or subsequent domestic  
6 stopovers.

7 (9) Proceeds of mandatory service charges separately  
8 stated on customers' bills for the purchase and consumption of  
9 food and beverages, to the extent that the proceeds of the  
10 service charge are in fact turned over as tips or as a  
11 substitute for tips to the employees who participate directly  
12 in preparing, serving, hosting or cleaning up the food or  
13 beverage function with respect to which the service charge is  
14 imposed.

15 (10) Until July 1, 2003, oil field exploration, drilling,  
16 and production equipment, including (i) rigs and parts of rigs,  
17 rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and  
18 tubular goods, including casing and drill strings, (iii) pumps  
19 and pump-jack units, (iv) storage tanks and flow lines, (v) any  
20 individual replacement part for oil field exploration,  
21 drilling, and production equipment, and (vi) machinery and  
22 equipment purchased for lease; but excluding motor vehicles  
23 required to be registered under the Illinois Vehicle Code.

24 (11) Photoprocessing machinery and equipment, including  
25 repair and replacement parts, both new and used, including that  
26 manufactured on special order, certified by the purchaser to be

1 used primarily for photoprocessing, and including  
2 photoprocessing machinery and equipment purchased for lease.

3 (12) Until July 1, 2003, coal exploration, mining,  
4 offhighway hauling, processing, maintenance, and reclamation  
5 equipment, including replacement parts and equipment, and  
6 including equipment purchased for lease, but excluding motor  
7 vehicles required to be registered under the Illinois Vehicle  
8 Code.

9 (13) Beginning January 1, 1992 and through June 30, 2011,  
10 food for human consumption that is to be consumed off the  
11 premises where it is sold (other than alcoholic beverages, soft  
12 drinks and food that has been prepared for immediate  
13 consumption) and prescription and non-prescription medicines,  
14 drugs, medical appliances, and insulin, urine testing  
15 materials, syringes, and needles used by diabetics, for human  
16 use, when purchased for use by a person receiving medical  
17 assistance under Article 5 of the Illinois Public Aid Code who  
18 resides in a licensed long-term care facility, as defined in  
19 the Nursing Home Care Act.

20 (14) Semen used for artificial insemination of livestock  
21 for direct agricultural production.

22 (15) Horses, or interests in horses, registered with and  
23 meeting the requirements of any of the Arabian Horse Club  
24 Registry of America, Appaloosa Horse Club, American Quarter  
25 Horse Association, United States Trotting Association, or  
26 Jockey Club, as appropriate, used for purposes of breeding or

1 racing for prizes. This item (15) is exempt from the provisions  
2 of Section 3-55, and the exemption provided for under this item  
3 (15) applies for all periods beginning May 30, 1995, but no  
4 claim for credit or refund is allowed on or after January 1,  
5 2008 (the effective date of Public Act 95-88) for such taxes  
6 paid during the period beginning May 30, 2000 and ending on  
7 January 1, 2008 (the effective date of Public Act 95-88).

8 (16) Computers and communications equipment utilized for  
9 any hospital purpose and equipment used in the diagnosis,  
10 analysis, or treatment of hospital patients sold to a lessor  
11 who leases the equipment, under a lease of one year or longer  
12 executed or in effect at the time of the purchase, to a  
13 hospital that has been issued an active tax exemption  
14 identification number by the Department under Section 1g of the  
15 Retailers' Occupation Tax Act.

16 (17) Personal property sold to a lessor who leases the  
17 property, under a lease of one year or longer executed or in  
18 effect at the time of the purchase, to a governmental body that  
19 has been issued an active tax exemption identification number  
20 by the Department under Section 1g of the Retailers' Occupation  
21 Tax Act.

22 (18) Beginning with taxable years ending on or after  
23 December 31, 1995 and ending with taxable years ending on or  
24 before December 31, 2004, personal property that is donated for  
25 disaster relief to be used in a State or federally declared  
26 disaster area in Illinois or bordering Illinois by a

1 manufacturer or retailer that is registered in this State to a  
2 corporation, society, association, foundation, or institution  
3 that has been issued a sales tax exemption identification  
4 number by the Department that assists victims of the disaster  
5 who reside within the declared disaster area.

6 (19) Beginning with taxable years ending on or after  
7 December 31, 1995 and ending with taxable years ending on or  
8 before December 31, 2004, personal property that is used in the  
9 performance of infrastructure repairs in this State, including  
10 but not limited to municipal roads and streets, access roads,  
11 bridges, sidewalks, waste disposal systems, water and sewer  
12 line extensions, water distribution and purification  
13 facilities, storm water drainage and retention facilities, and  
14 sewage treatment facilities, resulting from a State or  
15 federally declared disaster in Illinois or bordering Illinois  
16 when such repairs are initiated on facilities located in the  
17 declared disaster area within 6 months after the disaster.

18 (20) Beginning July 1, 1999, game or game birds sold at a  
19 "game breeding and hunting preserve area" or an "exotic game  
20 hunting area" as those terms are used in the Wildlife Code or  
21 at a hunting enclosure approved through rules adopted by the  
22 Department of Natural Resources. This paragraph is exempt from  
23 the provisions of Section 3-55.

24 (21) A motor vehicle, as that term is defined in Section  
25 1-146 of the Illinois Vehicle Code, that is donated to a  
26 corporation, limited liability company, society, association,

1 foundation, or institution that is determined by the Department  
2 to be organized and operated exclusively for educational  
3 purposes. For purposes of this exemption, "a corporation,  
4 limited liability company, society, association, foundation,  
5 or institution organized and operated exclusively for  
6 educational purposes" means all tax-supported public schools,  
7 private schools that offer systematic instruction in useful  
8 branches of learning by methods common to public schools and  
9 that compare favorably in their scope and intensity with the  
10 course of study presented in tax-supported schools, and  
11 vocational or technical schools or institutes organized and  
12 operated exclusively to provide a course of study of not less  
13 than 6 weeks duration and designed to prepare individuals to  
14 follow a trade or to pursue a manual, technical, mechanical,  
15 industrial, business, or commercial occupation.

16 (22) Beginning January 1, 2000, personal property,  
17 including food, purchased through fundraising events for the  
18 benefit of a public or private elementary or secondary school,  
19 a group of those schools, or one or more school districts if  
20 the events are sponsored by an entity recognized by the school  
21 district that consists primarily of volunteers and includes  
22 parents and teachers of the school children. This paragraph  
23 does not apply to fundraising events (i) for the benefit of  
24 private home instruction or (ii) for which the fundraising  
25 entity purchases the personal property sold at the events from  
26 another individual or entity that sold the property for the

1 purpose of resale by the fundraising entity and that profits  
2 from the sale to the fundraising entity. This paragraph is  
3 exempt from the provisions of Section 3-55.

4 (23) Beginning January 1, 2000 and through December 31,  
5 2001, new or used automatic vending machines that prepare and  
6 serve hot food and beverages, including coffee, soup, and other  
7 items, and replacement parts for these machines. Beginning  
8 January 1, 2002 and through June 30, 2003, machines and parts  
9 for machines used in commercial, coin-operated amusement and  
10 vending business if a use or occupation tax is paid on the  
11 gross receipts derived from the use of the commercial,  
12 coin-operated amusement and vending machines. This paragraph  
13 is exempt from the provisions of Section 3-55.

14 (24) Beginning on the effective date of this amendatory Act  
15 of the 92nd General Assembly, computers and communications  
16 equipment utilized for any hospital purpose and equipment used  
17 in the diagnosis, analysis, or treatment of hospital patients  
18 sold to a lessor who leases the equipment, under a lease of one  
19 year or longer executed or in effect at the time of the  
20 purchase, to a hospital that has been issued an active tax  
21 exemption identification number by the Department under  
22 Section 1g of the Retailers' Occupation Tax Act. This paragraph  
23 is exempt from the provisions of Section 3-55.

24 (25) Beginning on the effective date of this amendatory Act  
25 of the 92nd General Assembly, personal property sold to a  
26 lessor who leases the property, under a lease of one year or

1 longer executed or in effect at the time of the purchase, to a  
2 governmental body that has been issued an active tax exemption  
3 identification number by the Department under Section 1g of the  
4 Retailers' Occupation Tax Act. This paragraph is exempt from  
5 the provisions of Section 3-55.

6 (26) Beginning on January 1, 2002 and through June 30,  
7 2011, tangible personal property purchased from an Illinois  
8 retailer by a taxpayer engaged in centralized purchasing  
9 activities in Illinois who will, upon receipt of the property  
10 in Illinois, temporarily store the property in Illinois (i) for  
11 the purpose of subsequently transporting it outside this State  
12 for use or consumption thereafter solely outside this State or  
13 (ii) for the purpose of being processed, fabricated, or  
14 manufactured into, attached to, or incorporated into other  
15 tangible personal property to be transported outside this State  
16 and thereafter used or consumed solely outside this State. The  
17 Director of Revenue shall, pursuant to rules adopted in  
18 accordance with the Illinois Administrative Procedure Act,  
19 issue a permit to any taxpayer in good standing with the  
20 Department who is eligible for the exemption under this  
21 paragraph (26). The permit issued under this paragraph (26)  
22 shall authorize the holder, to the extent and in the manner  
23 specified in the rules adopted under this Act, to purchase  
24 tangible personal property from a retailer exempt from the  
25 taxes imposed by this Act. Taxpayers shall maintain all  
26 necessary books and records to substantiate the use and

1 consumption of all such tangible personal property outside of  
2 the State of Illinois.

3 (27) Beginning January 1, 2008, tangible personal property  
4 used in the construction or maintenance of a community water  
5 supply, as defined under Section 3.145 of the Environmental  
6 Protection Act, that is operated by a not-for-profit  
7 corporation that holds a valid water supply permit issued under  
8 Title IV of the Environmental Protection Act. This paragraph is  
9 exempt from the provisions of Section 3-55.

10 (28) Tangible personal property sold to a  
11 public-facilities corporation, as described in Section  
12 11-65-10 of the Illinois Municipal Code, for purposes of  
13 constructing or furnishing a municipal convention hall, but  
14 only if the legal title to the municipal convention hall is  
15 transferred to the municipality without any further  
16 consideration by or on behalf of the municipality at the time  
17 of the completion of the municipal convention hall or upon the  
18 retirement or redemption of any bonds or other debt instruments  
19 issued by the public-facilities corporation in connection with  
20 the development of the municipal convention hall. This  
21 exemption includes existing public-facilities corporations as  
22 provided in Section 11-65-25 of the Illinois Municipal Code.  
23 This paragraph is exempt from the provisions of Section 3-55.

24 (29) ~~(28)~~ Beginning January 1, 2010, materials, parts,  
25 equipment, components, and furnishings incorporated into or  
26 upon an aircraft as part of the modification, refurbishment,

1 completion, replacement, repair, or maintenance of the  
2 aircraft. This exemption includes consumable supplies used in  
3 the modification, refurbishment, completion, replacement,  
4 repair, and maintenance of aircraft, but excludes any  
5 materials, parts, equipment, components, and consumable  
6 supplies used in the modification, replacement, repair, and  
7 maintenance of aircraft engines or power plants, whether such  
8 engines or power plants are installed or uninstalled upon any  
9 such aircraft. "Consumable supplies" include, but are not  
10 limited to, adhesive, tape, sandpaper, general purpose  
11 lubricants, cleaning solution, latex gloves, and protective  
12 films. This exemption applies only to those organizations that  
13 (i) hold an Air Agency Certificate and are empowered to operate  
14 an approved repair station by the Federal Aviation  
15 Administration, (ii) have a Class IV Rating, and (iii) conduct  
16 operations in accordance with Part 145 of the Federal Aviation  
17 Regulations. The exemption does not include aircraft operated  
18 by a commercial air carrier providing scheduled passenger air  
19 service pursuant to authority issued under Part 121 or Part 129  
20 of the Federal Aviation Regulations.

21 (Source: P.A. 95-88, eff. 1-1-08; 95-538, eff. 1-1-08; 95-876,  
22 eff. 8-21-08; 96-116, eff. 7-31-09; 96-532, eff. 8-14-09;  
23 96-759, eff. 1-1-10; revised 9-25-09.)

24 (Text of Section after amendment by P.A. 96-339)

25 Sec. 3-5. Exemptions. The following tangible personal

1 property is exempt from the tax imposed by this Act:

2 (1) Personal property sold by a corporation, society,  
3 association, foundation, institution, or organization, other  
4 than a limited liability company, that is organized and  
5 operated as a not-for-profit service enterprise for the benefit  
6 of persons 65 years of age or older if the personal property  
7 was not purchased by the enterprise for the purpose of resale  
8 by the enterprise.

9 (2) Personal property purchased by a not-for-profit  
10 Illinois county fair association for use in conducting,  
11 operating, or promoting the county fair.

12 (3) Personal property purchased by any not-for-profit arts  
13 or cultural organization that establishes, by proof required by  
14 the Department by rule, that it has received an exemption under  
15 Section 501(c)(3) of the Internal Revenue Code and that is  
16 organized and operated primarily for the presentation or  
17 support of arts or cultural programming, activities, or  
18 services. These organizations include, but are not limited to,  
19 music and dramatic arts organizations such as symphony  
20 orchestras and theatrical groups, arts and cultural service  
21 organizations, local arts councils, visual arts organizations,  
22 and media arts organizations. On and after the effective date  
23 of this amendatory Act of the 92nd General Assembly, however,  
24 an entity otherwise eligible for this exemption shall not make  
25 tax-free purchases unless it has an active identification  
26 number issued by the Department.

1           (4) Legal tender, currency, medallions, or gold or silver  
2 coinage issued by the State of Illinois, the government of the  
3 United States of America, or the government of any foreign  
4 country, and bullion.

5           (5) Until July 1, 2003 and beginning again on September 1,  
6 2004 through August 30, 2014, graphic arts machinery and  
7 equipment, including repair and replacement parts, both new and  
8 used, and including that manufactured on special order or  
9 purchased for lease, certified by the purchaser to be used  
10 primarily for graphic arts production. Equipment includes  
11 chemicals or chemicals acting as catalysts but only if the  
12 chemicals or chemicals acting as catalysts effect a direct and  
13 immediate change upon a graphic arts product.

14           (6) Personal property sold by a teacher-sponsored student  
15 organization affiliated with an elementary or secondary school  
16 located in Illinois.

17           (7) Farm machinery and equipment, both new and used,  
18 including that manufactured on special order, certified by the  
19 purchaser to be used primarily for production agriculture or  
20 State or federal agricultural programs, including individual  
21 replacement parts for the machinery and equipment, including  
22 machinery and equipment purchased for lease, and including  
23 implements of husbandry defined in Section 1-130 of the  
24 Illinois Vehicle Code, farm machinery and agricultural  
25 chemical and fertilizer spreaders, and nurse wagons required to  
26 be registered under Section 3-809 of the Illinois Vehicle Code,

1 but excluding other motor vehicles required to be registered  
2 under the Illinois Vehicle Code. Horticultural polyhouses or  
3 hoop houses used for propagating, growing, or overwintering  
4 plants shall be considered farm machinery and equipment under  
5 this item (7). Agricultural chemical tender tanks and dry boxes  
6 shall include units sold separately from a motor vehicle  
7 required to be licensed and units sold mounted on a motor  
8 vehicle required to be licensed if the selling price of the  
9 tender is separately stated.

10 Farm machinery and equipment shall include precision  
11 farming equipment that is installed or purchased to be  
12 installed on farm machinery and equipment including, but not  
13 limited to, tractors, harvesters, sprayers, planters, seeders,  
14 or spreaders. Precision farming equipment includes, but is not  
15 limited to, soil testing sensors, computers, monitors,  
16 software, global positioning and mapping systems, and other  
17 such equipment.

18 Farm machinery and equipment also includes computers,  
19 sensors, software, and related equipment used primarily in the  
20 computer-assisted operation of production agriculture  
21 facilities, equipment, and activities such as, but not limited  
22 to, the collection, monitoring, and correlation of animal and  
23 crop data for the purpose of formulating animal diets and  
24 agricultural chemicals. This item (7) is exempt from the  
25 provisions of Section 3-55.

26 (8) Fuel and petroleum products sold to or used by an air

1 common carrier, certified by the carrier to be used for  
2 consumption, shipment, or storage in the conduct of its  
3 business as an air common carrier, for a flight destined for or  
4 returning from a location or locations outside the United  
5 States without regard to previous or subsequent domestic  
6 stopovers.

7 (9) Proceeds of mandatory service charges separately  
8 stated on customers' bills for the purchase and consumption of  
9 food and beverages, to the extent that the proceeds of the  
10 service charge are in fact turned over as tips or as a  
11 substitute for tips to the employees who participate directly  
12 in preparing, serving, hosting or cleaning up the food or  
13 beverage function with respect to which the service charge is  
14 imposed.

15 (10) Until July 1, 2003, oil field exploration, drilling,  
16 and production equipment, including (i) rigs and parts of rigs,  
17 rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and  
18 tubular goods, including casing and drill strings, (iii) pumps  
19 and pump-jack units, (iv) storage tanks and flow lines, (v) any  
20 individual replacement part for oil field exploration,  
21 drilling, and production equipment, and (vi) machinery and  
22 equipment purchased for lease; but excluding motor vehicles  
23 required to be registered under the Illinois Vehicle Code.

24 (11) Photoprocessing machinery and equipment, including  
25 repair and replacement parts, both new and used, including that  
26 manufactured on special order, certified by the purchaser to be

1 used primarily for photoprocessing, and including  
2 photoprocessing machinery and equipment purchased for lease.

3 (12) Until July 1, 2003, coal exploration, mining,  
4 offhighway hauling, processing, maintenance, and reclamation  
5 equipment, including replacement parts and equipment, and  
6 including equipment purchased for lease, but excluding motor  
7 vehicles required to be registered under the Illinois Vehicle  
8 Code.

9 (13) Beginning January 1, 1992 and through June 30, 2011,  
10 food for human consumption that is to be consumed off the  
11 premises where it is sold (other than alcoholic beverages, soft  
12 drinks and food that has been prepared for immediate  
13 consumption) and prescription and non-prescription medicines,  
14 drugs, medical appliances, and insulin, urine testing  
15 materials, syringes, and needles used by diabetics, for human  
16 use, when purchased for use by a person receiving medical  
17 assistance under Article V of the Illinois Public Aid Code who  
18 resides in a licensed long-term care facility, as defined in  
19 the Nursing Home Care Act, or in a licensed facility as defined  
20 in the MR/DD Community Care Act.

21 (14) Semen used for artificial insemination of livestock  
22 for direct agricultural production.

23 (15) Horses, or interests in horses, registered with and  
24 meeting the requirements of any of the Arabian Horse Club  
25 Registry of America, Appaloosa Horse Club, American Quarter  
26 Horse Association, United States Trotting Association, or

1 Jockey Club, as appropriate, used for purposes of breeding or  
2 racing for prizes. This item (15) is exempt from the provisions  
3 of Section 3-55, and the exemption provided for under this item  
4 (15) applies for all periods beginning May 30, 1995, but no  
5 claim for credit or refund is allowed on or after January 1,  
6 2008 (the effective date of Public Act 95-88) for such taxes  
7 paid during the period beginning May 30, 2000 and ending on  
8 January 1, 2008 (the effective date of Public Act 95-88).

9 (16) Computers and communications equipment utilized for  
10 any hospital purpose and equipment used in the diagnosis,  
11 analysis, or treatment of hospital patients sold to a lessor  
12 who leases the equipment, under a lease of one year or longer  
13 executed or in effect at the time of the purchase, to a  
14 hospital that has been issued an active tax exemption  
15 identification number by the Department under Section 1g of the  
16 Retailers' Occupation Tax Act.

17 (17) Personal property sold to a lessor who leases the  
18 property, under a lease of one year or longer executed or in  
19 effect at the time of the purchase, to a governmental body that  
20 has been issued an active tax exemption identification number  
21 by the Department under Section 1g of the Retailers' Occupation  
22 Tax Act.

23 (18) Beginning with taxable years ending on or after  
24 December 31, 1995 and ending with taxable years ending on or  
25 before December 31, 2004, personal property that is donated for  
26 disaster relief to be used in a State or federally declared

1 disaster area in Illinois or bordering Illinois by a  
2 manufacturer or retailer that is registered in this State to a  
3 corporation, society, association, foundation, or institution  
4 that has been issued a sales tax exemption identification  
5 number by the Department that assists victims of the disaster  
6 who reside within the declared disaster area.

7 (19) Beginning with taxable years ending on or after  
8 December 31, 1995 and ending with taxable years ending on or  
9 before December 31, 2004, personal property that is used in the  
10 performance of infrastructure repairs in this State, including  
11 but not limited to municipal roads and streets, access roads,  
12 bridges, sidewalks, waste disposal systems, water and sewer  
13 line extensions, water distribution and purification  
14 facilities, storm water drainage and retention facilities, and  
15 sewage treatment facilities, resulting from a State or  
16 federally declared disaster in Illinois or bordering Illinois  
17 when such repairs are initiated on facilities located in the  
18 declared disaster area within 6 months after the disaster.

19 (20) Beginning July 1, 1999, game or game birds sold at a  
20 "game breeding and hunting preserve area" or an "exotic game  
21 hunting area" as those terms are used in the Wildlife Code or  
22 at a hunting enclosure approved through rules adopted by the  
23 Department of Natural Resources. This paragraph is exempt from  
24 the provisions of Section 3-55.

25 (21) A motor vehicle, as that term is defined in Section  
26 1-146 of the Illinois Vehicle Code, that is donated to a

1 corporation, limited liability company, society, association,  
2 foundation, or institution that is determined by the Department  
3 to be organized and operated exclusively for educational  
4 purposes. For purposes of this exemption, "a corporation,  
5 limited liability company, society, association, foundation,  
6 or institution organized and operated exclusively for  
7 educational purposes" means all tax-supported public schools,  
8 private schools that offer systematic instruction in useful  
9 branches of learning by methods common to public schools and  
10 that compare favorably in their scope and intensity with the  
11 course of study presented in tax-supported schools, and  
12 vocational or technical schools or institutes organized and  
13 operated exclusively to provide a course of study of not less  
14 than 6 weeks duration and designed to prepare individuals to  
15 follow a trade or to pursue a manual, technical, mechanical,  
16 industrial, business, or commercial occupation.

17 (22) Beginning January 1, 2000, personal property,  
18 including food, purchased through fundraising events for the  
19 benefit of a public or private elementary or secondary school,  
20 a group of those schools, or one or more school districts if  
21 the events are sponsored by an entity recognized by the school  
22 district that consists primarily of volunteers and includes  
23 parents and teachers of the school children. This paragraph  
24 does not apply to fundraising events (i) for the benefit of  
25 private home instruction or (ii) for which the fundraising  
26 entity purchases the personal property sold at the events from

1 another individual or entity that sold the property for the  
2 purpose of resale by the fundraising entity and that profits  
3 from the sale to the fundraising entity. This paragraph is  
4 exempt from the provisions of Section 3-55.

5 (23) Beginning January 1, 2000 and through December 31,  
6 2001, new or used automatic vending machines that prepare and  
7 serve hot food and beverages, including coffee, soup, and other  
8 items, and replacement parts for these machines. Beginning  
9 January 1, 2002 and through June 30, 2003, machines and parts  
10 for machines used in commercial, coin-operated amusement and  
11 vending business if a use or occupation tax is paid on the  
12 gross receipts derived from the use of the commercial,  
13 coin-operated amusement and vending machines. This paragraph  
14 is exempt from the provisions of Section 3-55.

15 (24) Beginning on the effective date of this amendatory Act  
16 of the 92nd General Assembly, computers and communications  
17 equipment utilized for any hospital purpose and equipment used  
18 in the diagnosis, analysis, or treatment of hospital patients  
19 sold to a lessor who leases the equipment, under a lease of one  
20 year or longer executed or in effect at the time of the  
21 purchase, to a hospital that has been issued an active tax  
22 exemption identification number by the Department under  
23 Section 1g of the Retailers' Occupation Tax Act. This paragraph  
24 is exempt from the provisions of Section 3-55.

25 (25) Beginning on the effective date of this amendatory Act  
26 of the 92nd General Assembly, personal property sold to a

1 lessor who leases the property, under a lease of one year or  
2 longer executed or in effect at the time of the purchase, to a  
3 governmental body that has been issued an active tax exemption  
4 identification number by the Department under Section 1g of the  
5 Retailers' Occupation Tax Act. This paragraph is exempt from  
6 the provisions of Section 3-55.

7 (26) Beginning on January 1, 2002 and through June 30,  
8 2011, tangible personal property purchased from an Illinois  
9 retailer by a taxpayer engaged in centralized purchasing  
10 activities in Illinois who will, upon receipt of the property  
11 in Illinois, temporarily store the property in Illinois (i) for  
12 the purpose of subsequently transporting it outside this State  
13 for use or consumption thereafter solely outside this State or  
14 (ii) for the purpose of being processed, fabricated, or  
15 manufactured into, attached to, or incorporated into other  
16 tangible personal property to be transported outside this State  
17 and thereafter used or consumed solely outside this State. The  
18 Director of Revenue shall, pursuant to rules adopted in  
19 accordance with the Illinois Administrative Procedure Act,  
20 issue a permit to any taxpayer in good standing with the  
21 Department who is eligible for the exemption under this  
22 paragraph (26). The permit issued under this paragraph (26)  
23 shall authorize the holder, to the extent and in the manner  
24 specified in the rules adopted under this Act, to purchase  
25 tangible personal property from a retailer exempt from the  
26 taxes imposed by this Act. Taxpayers shall maintain all

1 necessary books and records to substantiate the use and  
2 consumption of all such tangible personal property outside of  
3 the State of Illinois.

4 (27) Beginning January 1, 2008, tangible personal property  
5 used in the construction or maintenance of a community water  
6 supply, as defined under Section 3.145 of the Environmental  
7 Protection Act, that is operated by a not-for-profit  
8 corporation that holds a valid water supply permit issued under  
9 Title IV of the Environmental Protection Act. This paragraph is  
10 exempt from the provisions of Section 3-55.

11 (28) Tangible personal property sold to a  
12 public-facilities corporation, as described in Section  
13 11-65-10 of the Illinois Municipal Code, for purposes of  
14 constructing or furnishing a municipal convention hall, but  
15 only if the legal title to the municipal convention hall is  
16 transferred to the municipality without any further  
17 consideration by or on behalf of the municipality at the time  
18 of the completion of the municipal convention hall or upon the  
19 retirement or redemption of any bonds or other debt instruments  
20 issued by the public-facilities corporation in connection with  
21 the development of the municipal convention hall. This  
22 exemption includes existing public-facilities corporations as  
23 provided in Section 11-65-25 of the Illinois Municipal Code.  
24 This paragraph is exempt from the provisions of Section 3-55.

25 (29) ~~(28)~~ Beginning January 1, 2010, materials, parts,  
26 equipment, components, and furnishings incorporated into or

1 upon an aircraft as part of the modification, refurbishment,  
2 completion, replacement, repair, or maintenance of the  
3 aircraft. This exemption includes consumable supplies used in  
4 the modification, refurbishment, completion, replacement,  
5 repair, and maintenance of aircraft, but excludes any  
6 materials, parts, equipment, components, and consumable  
7 supplies used in the modification, replacement, repair, and  
8 maintenance of aircraft engines or power plants, whether such  
9 engines or power plants are installed or uninstalled upon any  
10 such aircraft. "Consumable supplies" include, but are not  
11 limited to, adhesive, tape, sandpaper, general purpose  
12 lubricants, cleaning solution, latex gloves, and protective  
13 films. This exemption applies only to those organizations that  
14 (i) hold an Air Agency Certificate and are empowered to operate  
15 an approved repair station by the Federal Aviation  
16 Administration, (ii) have a Class IV Rating, and (iii) conduct  
17 operations in accordance with Part 145 of the Federal Aviation  
18 Regulations. The exemption does not include aircraft operated  
19 by a commercial air carrier providing scheduled passenger air  
20 service pursuant to authority issued under Part 121 or Part 129  
21 of the Federal Aviation Regulations.

22 (Source: P.A. 95-88, eff. 1-1-08; 95-538, eff. 1-1-08; 95-876,  
23 eff. 8-21-08; 96-116, eff. 7-31-09; 96-339, eff. 7-1-10;  
24 96-532, eff. 8-14-09; 96-759, eff. 1-1-10; revised 9-25-09.)

25 (35 ILCS 115/3-10) (from Ch. 120, par. 439.103-10)

1 (Text of Section before amendment by P.A. 96-339)

2 Sec. 3-10. Rate of tax. Unless otherwise provided in this  
3 Section, the tax imposed by this Act is at the rate of 6.25% of  
4 the "selling price", as defined in Section 2 of the Service Use  
5 Tax Act, of the tangible personal property. For the purpose of  
6 computing this tax, in no event shall the "selling price" be  
7 less than the cost price to the serviceman of the tangible  
8 personal property transferred. The selling price of each item  
9 of tangible personal property transferred as an incident of a  
10 sale of service may be shown as a distinct and separate item on  
11 the serviceman's billing to the service customer. If the  
12 selling price is not so shown, the selling price of the  
13 tangible personal property is deemed to be 50% of the  
14 serviceman's entire billing to the service customer. When,  
15 however, a serviceman contracts to design, develop, and produce  
16 special order machinery or equipment, the tax imposed by this  
17 Act shall be based on the serviceman's cost price of the  
18 tangible personal property transferred incident to the  
19 completion of the contract.

20 Beginning on July 1, 2000 and through December 31, 2000,  
21 with respect to motor fuel, as defined in Section 1.1 of the  
22 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of  
23 the Use Tax Act, the tax is imposed at the rate of 1.25%.

24 With respect to gasohol, as defined in the Use Tax Act, the  
25 tax imposed by this Act shall apply to (i) 70% of the cost  
26 price of property transferred as an incident to the sale of

1 service on or after January 1, 1990, and before July 1, 2003,  
2 (ii) 80% of the selling price of property transferred as an  
3 incident to the sale of service on or after July 1, 2003 and on  
4 or before December 31, 2013, and (iii) 100% of the cost price  
5 thereafter. If, at any time, however, the tax under this Act on  
6 sales of gasohol, as defined in the Use Tax Act, is imposed at  
7 the rate of 1.25%, then the tax imposed by this Act applies to  
8 100% of the proceeds of sales of gasohol made during that time.

9 With respect to majority blended ethanol fuel, as defined  
10 in the Use Tax Act, the tax imposed by this Act does not apply  
11 to the selling price of property transferred as an incident to  
12 the sale of service on or after July 1, 2003 and on or before  
13 December 31, 2013 but applies to 100% of the selling price  
14 thereafter.

15 With respect to biodiesel blends, as defined in the Use Tax  
16 Act, with no less than 1% and no more than 10% biodiesel, the  
17 tax imposed by this Act applies to (i) 80% of the selling price  
18 of property transferred as an incident to the sale of service  
19 on or after July 1, 2003 and on or before December 31, 2013 and  
20 (ii) 100% of the proceeds of the selling price thereafter. If,  
21 at any time, however, the tax under this Act on sales of  
22 biodiesel blends, as defined in the Use Tax Act, with no less  
23 than 1% and no more than 10% biodiesel is imposed at the rate  
24 of 1.25%, then the tax imposed by this Act applies to 100% of  
25 the proceeds of sales of biodiesel blends with no less than 1%  
26 and no more than 10% biodiesel made during that time.

1           With respect to 100% biodiesel, as defined in the Use Tax  
2 Act, and biodiesel blends, as defined in the Use Tax Act, with  
3 more than 10% but no more than 99% biodiesel material, the tax  
4 imposed by this Act does not apply to the proceeds of the  
5 selling price of property transferred as an incident to the  
6 sale of service on or after July 1, 2003 and on or before  
7 December 31, 2013 but applies to 100% of the selling price  
8 thereafter.

9           At the election of any registered serviceman made for each  
10 fiscal year, sales of service in which the aggregate annual  
11 cost price of tangible personal property transferred as an  
12 incident to the sales of service is less than 35%, or 75% in  
13 the case of servicemen transferring prescription drugs or  
14 servicemen engaged in graphic arts production, of the aggregate  
15 annual total gross receipts from all sales of service, the tax  
16 imposed by this Act shall be based on the serviceman's cost  
17 price of the tangible personal property transferred incident to  
18 the sale of those services.

19           The tax shall be imposed at the rate of 1% on food prepared  
20 for immediate consumption and transferred incident to a sale of  
21 service subject to this Act or the Service Occupation Tax Act  
22 by an entity licensed under the Hospital Licensing Act, the  
23 Nursing Home Care Act, or the Child Care Act of 1969. The tax  
24 shall also be imposed at the rate of 1% on food for human  
25 consumption that is to be consumed off the premises where it is  
26 sold (other than alcoholic beverages, soft drinks, and food

1 that has been prepared for immediate consumption and is not  
2 otherwise included in this paragraph) and prescription and  
3 nonprescription medicines, drugs, medical appliances,  
4 modifications to a motor vehicle for the purpose of rendering  
5 it usable by a disabled person, and insulin, urine testing  
6 materials, syringes, and needles used by diabetics, for human  
7 use. For the purposes of this Section, until September 1, 2009:  
8 the term "soft drinks" means any complete, finished,  
9 ready-to-use, non-alcoholic drink, whether carbonated or not,  
10 including but not limited to soda water, cola, fruit juice,  
11 vegetable juice, carbonated water, and all other preparations  
12 commonly known as soft drinks of whatever kind or description  
13 that are contained in any closed or sealed can, carton, or  
14 container, regardless of size; but "soft drinks" does not  
15 include coffee, tea, non-carbonated water, infant formula,  
16 milk or milk products as defined in the Grade A Pasteurized  
17 Milk and Milk Products Act, or drinks containing 50% or more  
18 natural fruit or vegetable juice.

19 Notwithstanding any other provisions of this Act,  
20 beginning September 1, 2009, "soft drinks" means non-alcoholic  
21 beverages that contain natural or artificial sweeteners. "Soft  
22 drinks" do not include beverages that contain milk or milk  
23 products, soy, rice or similar milk substitutes, or greater  
24 than 50% of vegetable or fruit juice by volume.

25 Until August 1, 2009, and notwithstanding any other  
26 provisions of this Act, "food for human consumption that is to

1 be consumed off the premises where it is sold" includes all  
2 food sold through a vending machine, except soft drinks, and  
3 food products that are dispensed hot from a vending machine,  
4 regardless of the location of the vending machine. Beginning  
5 August 1, 2009, and notwithstanding any other provisions of  
6 this Act, "food for human consumption that is to be consumed  
7 off the premises where it is sold" includes all food sold  
8 through a vending machine, except soft drinks, candy, and food  
9 products that are dispensed hot from a vending machine,  
10 regardless of the location of the vending machine.

11 Notwithstanding any other provisions of this Act,  
12 beginning September 1, 2009, "food for human consumption that  
13 is to be consumed off the premises where it is sold" does not  
14 include candy. For purposes of this Section, "candy" means a  
15 preparation of sugar, honey, or other natural or artificial  
16 sweeteners in combination with chocolate, fruits, nuts or other  
17 ingredients or flavorings in the form of bars, drops, or  
18 pieces. "Candy" does not include any preparation that contains  
19 flour or requires refrigeration.

20 Notwithstanding any other provisions of this Act,  
21 beginning September 1, 2009, "nonprescription medicines and  
22 drugs" does not include grooming and hygiene products. For  
23 purposes of this Section, "grooming and hygiene products"  
24 includes, but is not limited to, soaps and cleaning solutions,  
25 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan  
26 lotions and screens, unless those products are available by

1 prescription only, regardless of whether the products meet the  
2 definition of "over-the-counter-drugs". For the purposes of  
3 this paragraph, "over-the-counter-drug" means a drug for human  
4 use that contains a label that identifies the product as a drug  
5 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"  
6 label includes:

7 (A) A "Drug Facts" panel; or

8 (B) A statement of the "active ingredient(s)" with a  
9 list of those ingredients contained in the compound,  
10 substance or preparation.

11 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-38,  
12 eff. 7-13-09; revised 9-25-09.)

13 (Text of Section after amendment by P.A. 96-339)

14 Sec. 3-10. Rate of tax. Unless otherwise provided in this  
15 Section, the tax imposed by this Act is at the rate of 6.25% of  
16 the "selling price", as defined in Section 2 of the Service Use  
17 Tax Act, of the tangible personal property. For the purpose of  
18 computing this tax, in no event shall the "selling price" be  
19 less than the cost price to the serviceman of the tangible  
20 personal property transferred. The selling price of each item  
21 of tangible personal property transferred as an incident of a  
22 sale of service may be shown as a distinct and separate item on  
23 the serviceman's billing to the service customer. If the  
24 selling price is not so shown, the selling price of the  
25 tangible personal property is deemed to be 50% of the

1 serviceman's entire billing to the service customer. When,  
2 however, a serviceman contracts to design, develop, and produce  
3 special order machinery or equipment, the tax imposed by this  
4 Act shall be based on the serviceman's cost price of the  
5 tangible personal property transferred incident to the  
6 completion of the contract.

7 Beginning on July 1, 2000 and through December 31, 2000,  
8 with respect to motor fuel, as defined in Section 1.1 of the  
9 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of  
10 the Use Tax Act, the tax is imposed at the rate of 1.25%.

11 With respect to gasohol, as defined in the Use Tax Act, the  
12 tax imposed by this Act shall apply to (i) 70% of the cost  
13 price of property transferred as an incident to the sale of  
14 service on or after January 1, 1990, and before July 1, 2003,  
15 (ii) 80% of the selling price of property transferred as an  
16 incident to the sale of service on or after July 1, 2003 and on  
17 or before December 31, 2013, and (iii) 100% of the cost price  
18 thereafter. If, at any time, however, the tax under this Act on  
19 sales of gasohol, as defined in the Use Tax Act, is imposed at  
20 the rate of 1.25%, then the tax imposed by this Act applies to  
21 100% of the proceeds of sales of gasohol made during that time.

22 With respect to majority blended ethanol fuel, as defined  
23 in the Use Tax Act, the tax imposed by this Act does not apply  
24 to the selling price of property transferred as an incident to  
25 the sale of service on or after July 1, 2003 and on or before  
26 December 31, 2013 but applies to 100% of the selling price

1 thereafter.

2 With respect to biodiesel blends, as defined in the Use Tax  
3 Act, with no less than 1% and no more than 10% biodiesel, the  
4 tax imposed by this Act applies to (i) 80% of the selling price  
5 of property transferred as an incident to the sale of service  
6 on or after July 1, 2003 and on or before December 31, 2013 and  
7 (ii) 100% of the proceeds of the selling price thereafter. If,  
8 at any time, however, the tax under this Act on sales of  
9 biodiesel blends, as defined in the Use Tax Act, with no less  
10 than 1% and no more than 10% biodiesel is imposed at the rate  
11 of 1.25%, then the tax imposed by this Act applies to 100% of  
12 the proceeds of sales of biodiesel blends with no less than 1%  
13 and no more than 10% biodiesel made during that time.

14 With respect to 100% biodiesel, as defined in the Use Tax  
15 Act, and biodiesel blends, as defined in the Use Tax Act, with  
16 more than 10% but no more than 99% biodiesel material, the tax  
17 imposed by this Act does not apply to the proceeds of the  
18 selling price of property transferred as an incident to the  
19 sale of service on or after July 1, 2003 and on or before  
20 December 31, 2013 but applies to 100% of the selling price  
21 thereafter.

22 At the election of any registered serviceman made for each  
23 fiscal year, sales of service in which the aggregate annual  
24 cost price of tangible personal property transferred as an  
25 incident to the sales of service is less than 35%, or 75% in  
26 the case of servicemen transferring prescription drugs or

1 servicemen engaged in graphic arts production, of the aggregate  
2 annual total gross receipts from all sales of service, the tax  
3 imposed by this Act shall be based on the serviceman's cost  
4 price of the tangible personal property transferred incident to  
5 the sale of those services.

6 The tax shall be imposed at the rate of 1% on food prepared  
7 for immediate consumption and transferred incident to a sale of  
8 service subject to this Act or the Service Occupation Tax Act  
9 by an entity licensed under the Hospital Licensing Act, the  
10 Nursing Home Care Act, the MR/DD Community Care Act, or the  
11 Child Care Act of 1969. The tax shall also be imposed at the  
12 rate of 1% on food for human consumption that is to be consumed  
13 off the premises where it is sold (other than alcoholic  
14 beverages, soft drinks, and food that has been prepared for  
15 immediate consumption and is not otherwise included in this  
16 paragraph) and prescription and nonprescription medicines,  
17 drugs, medical appliances, modifications to a motor vehicle for  
18 the purpose of rendering it usable by a disabled person, and  
19 insulin, urine testing materials, syringes, and needles used by  
20 diabetics, for human use. For the purposes of this Section,  
21 until September 1, 2009: the term "soft drinks" means any  
22 complete, finished, ready-to-use, non-alcoholic drink, whether  
23 carbonated or not, including but not limited to soda water,  
24 cola, fruit juice, vegetable juice, carbonated water, and all  
25 other preparations commonly known as soft drinks of whatever  
26 kind or description that are contained in any closed or sealed

1 can, carton, or container, regardless of size; but "soft  
2 drinks" does not include coffee, tea, non-carbonated water,  
3 infant formula, milk or milk products as defined in the Grade A  
4 Pasteurized Milk and Milk Products Act, or drinks containing  
5 50% or more natural fruit or vegetable juice.

6 Notwithstanding any other provisions of this Act,  
7 beginning September 1, 2009, "soft drinks" means non-alcoholic  
8 beverages that contain natural or artificial sweeteners. "Soft  
9 drinks" do not include beverages that contain milk or milk  
10 products, soy, rice or similar milk substitutes, or greater  
11 than 50% of vegetable or fruit juice by volume.

12 Until August 1, 2009, and notwithstanding any other  
13 provisions of this Act, "food for human consumption that is to  
14 be consumed off the premises where it is sold" includes all  
15 food sold through a vending machine, except soft drinks, and  
16 food products that are dispensed hot from a vending machine,  
17 regardless of the location of the vending machine. Beginning  
18 August 1, 2009, and notwithstanding any other provisions of  
19 this Act, "food for human consumption that is to be consumed  
20 off the premises where it is sold" includes all food sold  
21 through a vending machine, except soft drinks, candy, and food  
22 products that are dispensed hot from a vending machine,  
23 regardless of the location of the vending machine.

24 Notwithstanding any other provisions of this Act,  
25 beginning September 1, 2009, "food for human consumption that  
26 is to be consumed off the premises where it is sold" does not

1 include candy. For purposes of this Section, "candy" means a  
2 preparation of sugar, honey, or other natural or artificial  
3 sweeteners in combination with chocolate, fruits, nuts or other  
4 ingredients or flavorings in the form of bars, drops, or  
5 pieces. "Candy" does not include any preparation that contains  
6 flour or requires refrigeration.

7 Notwithstanding any other provisions of this Act,  
8 beginning September 1, 2009, "nonprescription medicines and  
9 drugs" does not include grooming and hygiene products. For  
10 purposes of this Section, "grooming and hygiene products"  
11 includes, but is not limited to, soaps and cleaning solutions,  
12 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan  
13 lotions and screens, unless those products are available by  
14 prescription only, regardless of whether the products meet the  
15 definition of "over-the-counter-drugs". For the purposes of  
16 this paragraph, "over-the-counter-drug" means a drug for human  
17 use that contains a label that identifies the product as a drug  
18 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"  
19 label includes:

20 (A) A "Drug Facts" panel; or

21 (B) A statement of the "active ingredient(s)" with a  
22 list of those ingredients contained in the compound,  
23 substance or preparation.

24 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-38,  
25 eff. 7-13-09; 96-339, eff. 7-1-10; revised 9-25-09.)

1           Section 210. The Retailers' Occupation Tax Act is amended  
2 by changing Sections 2-5 and 2-10 as follows:

3           (35 ILCS 120/2-5)

4           (Text of Section before amendment by P.A. 96-339)

5           Sec. 2-5. Exemptions. Gross receipts from proceeds from the  
6 sale of the following tangible personal property are exempt  
7 from the tax imposed by this Act:

8           (1) Farm chemicals.

9           (2) Farm machinery and equipment, both new and used,  
10 including that manufactured on special order, certified by the  
11 purchaser to be used primarily for production agriculture or  
12 State or federal agricultural programs, including individual  
13 replacement parts for the machinery and equipment, including  
14 machinery and equipment purchased for lease, and including  
15 implements of husbandry defined in Section 1-130 of the  
16 Illinois Vehicle Code, farm machinery and agricultural  
17 chemical and fertilizer spreaders, and nurse wagons required to  
18 be registered under Section 3-809 of the Illinois Vehicle Code,  
19 but excluding other motor vehicles required to be registered  
20 under the Illinois Vehicle Code. Horticultural polyhouses or  
21 hoop houses used for propagating, growing, or overwintering  
22 plants shall be considered farm machinery and equipment under  
23 this item (2). Agricultural chemical tender tanks and dry boxes  
24 shall include units sold separately from a motor vehicle  
25 required to be licensed and units sold mounted on a motor

1 vehicle required to be licensed, if the selling price of the  
2 tender is separately stated.

3 Farm machinery and equipment shall include precision  
4 farming equipment that is installed or purchased to be  
5 installed on farm machinery and equipment including, but not  
6 limited to, tractors, harvesters, sprayers, planters, seeders,  
7 or spreaders. Precision farming equipment includes, but is not  
8 limited to, soil testing sensors, computers, monitors,  
9 software, global positioning and mapping systems, and other  
10 such equipment.

11 Farm machinery and equipment also includes computers,  
12 sensors, software, and related equipment used primarily in the  
13 computer-assisted operation of production agriculture  
14 facilities, equipment, and activities such as, but not limited  
15 to, the collection, monitoring, and correlation of animal and  
16 crop data for the purpose of formulating animal diets and  
17 agricultural chemicals. This item (7) is exempt from the  
18 provisions of Section 2-70.

19 (3) Until July 1, 2003, distillation machinery and  
20 equipment, sold as a unit or kit, assembled or installed by the  
21 retailer, certified by the user to be used only for the  
22 production of ethyl alcohol that will be used for consumption  
23 as motor fuel or as a component of motor fuel for the personal  
24 use of the user, and not subject to sale or resale.

25 (4) Until July 1, 2003 and beginning again September 1,  
26 2004 through August 30, 2014, graphic arts machinery and

1 equipment, including repair and replacement parts, both new and  
2 used, and including that manufactured on special order or  
3 purchased for lease, certified by the purchaser to be used  
4 primarily for graphic arts production. Equipment includes  
5 chemicals or chemicals acting as catalysts but only if the  
6 chemicals or chemicals acting as catalysts effect a direct and  
7 immediate change upon a graphic arts product.

8 (5) A motor vehicle of the first division, a motor vehicle  
9 of the second division that is a self contained motor vehicle  
10 designed or permanently converted to provide living quarters  
11 for recreational, camping, or travel use, with direct walk  
12 through access to the living quarters from the driver's seat,  
13 or a motor vehicle of the second division that is of the van  
14 configuration designed for the transportation of not less than  
15 7 nor more than 16 passengers, as defined in Section 1-146 of  
16 the Illinois Vehicle Code, that is used for automobile renting,  
17 as defined in the Automobile Renting Occupation and Use Tax  
18 Act. This paragraph is exempt from the provisions of Section  
19 2-70.

20 (6) Personal property sold by a teacher-sponsored student  
21 organization affiliated with an elementary or secondary school  
22 located in Illinois.

23 (7) Until July 1, 2003, proceeds of that portion of the  
24 selling price of a passenger car the sale of which is subject  
25 to the Replacement Vehicle Tax.

26 (8) Personal property sold to an Illinois county fair

1 association for use in conducting, operating, or promoting the  
2 county fair.

3 (9) Personal property sold to a not-for-profit arts or  
4 cultural organization that establishes, by proof required by  
5 the Department by rule, that it has received an exemption under  
6 Section 501(c)(3) of the Internal Revenue Code and that is  
7 organized and operated primarily for the presentation or  
8 support of arts or cultural programming, activities, or  
9 services. These organizations include, but are not limited to,  
10 music and dramatic arts organizations such as symphony  
11 orchestras and theatrical groups, arts and cultural service  
12 organizations, local arts councils, visual arts organizations,  
13 and media arts organizations. On and after the effective date  
14 of this amendatory Act of the 92nd General Assembly, however,  
15 an entity otherwise eligible for this exemption shall not make  
16 tax-free purchases unless it has an active identification  
17 number issued by the Department.

18 (10) Personal property sold by a corporation, society,  
19 association, foundation, institution, or organization, other  
20 than a limited liability company, that is organized and  
21 operated as a not-for-profit service enterprise for the benefit  
22 of persons 65 years of age or older if the personal property  
23 was not purchased by the enterprise for the purpose of resale  
24 by the enterprise.

25 (11) Personal property sold to a governmental body, to a  
26 corporation, society, association, foundation, or institution

1 organized and operated exclusively for charitable, religious,  
2 or educational purposes, or to a not-for-profit corporation,  
3 society, association, foundation, institution, or organization  
4 that has no compensated officers or employees and that is  
5 organized and operated primarily for the recreation of persons  
6 55 years of age or older. A limited liability company may  
7 qualify for the exemption under this paragraph only if the  
8 limited liability company is organized and operated  
9 exclusively for educational purposes. On and after July 1,  
10 1987, however, no entity otherwise eligible for this exemption  
11 shall make tax-free purchases unless it has an active  
12 identification number issued by the Department.

13 (12) Tangible personal property sold to interstate  
14 carriers for hire for use as rolling stock moving in interstate  
15 commerce or to lessors under leases of one year or longer  
16 executed or in effect at the time of purchase by interstate  
17 carriers for hire for use as rolling stock moving in interstate  
18 commerce and equipment operated by a telecommunications  
19 provider, licensed as a common carrier by the Federal  
20 Communications Commission, which is permanently installed in  
21 or affixed to aircraft moving in interstate commerce.

22 (12-5) On and after July 1, 2003 and through June 30, 2004,  
23 motor vehicles of the second division with a gross vehicle  
24 weight in excess of 8,000 pounds that are subject to the  
25 commercial distribution fee imposed under Section 3-815.1 of  
26 the Illinois Vehicle Code. Beginning on July 1, 2004 and

1 through June 30, 2005, the use in this State of motor vehicles  
2 of the second division: (i) with a gross vehicle weight rating  
3 in excess of 8,000 pounds; (ii) that are subject to the  
4 commercial distribution fee imposed under Section 3-815.1 of  
5 the Illinois Vehicle Code; and (iii) that are primarily used  
6 for commercial purposes. Through June 30, 2005, this exemption  
7 applies to repair and replacement parts added after the initial  
8 purchase of such a motor vehicle if that motor vehicle is used  
9 in a manner that would qualify for the rolling stock exemption  
10 otherwise provided for in this Act. For purposes of this  
11 paragraph, "used for commercial purposes" means the  
12 transportation of persons or property in furtherance of any  
13 commercial or industrial enterprise whether for-hire or not.

14 (13) Proceeds from sales to owners, lessors, or shippers of  
15 tangible personal property that is utilized by interstate  
16 carriers for hire for use as rolling stock moving in interstate  
17 commerce and equipment operated by a telecommunications  
18 provider, licensed as a common carrier by the Federal  
19 Communications Commission, which is permanently installed in  
20 or affixed to aircraft moving in interstate commerce.

21 (14) Machinery and equipment that will be used by the  
22 purchaser, or a lessee of the purchaser, primarily in the  
23 process of manufacturing or assembling tangible personal  
24 property for wholesale or retail sale or lease, whether the  
25 sale or lease is made directly by the manufacturer or by some  
26 other person, whether the materials used in the process are

1 owned by the manufacturer or some other person, or whether the  
2 sale or lease is made apart from or as an incident to the  
3 seller's engaging in the service occupation of producing  
4 machines, tools, dies, jigs, patterns, gauges, or other similar  
5 items of no commercial value on special order for a particular  
6 purchaser.

7 (15) Proceeds of mandatory service charges separately  
8 stated on customers' bills for purchase and consumption of food  
9 and beverages, to the extent that the proceeds of the service  
10 charge are in fact turned over as tips or as a substitute for  
11 tips to the employees who participate directly in preparing,  
12 serving, hosting or cleaning up the food or beverage function  
13 with respect to which the service charge is imposed.

14 (16) Petroleum products sold to a purchaser if the seller  
15 is prohibited by federal law from charging tax to the  
16 purchaser.

17 (17) Tangible personal property sold to a common carrier by  
18 rail or motor that receives the physical possession of the  
19 property in Illinois and that transports the property, or  
20 shares with another common carrier in the transportation of the  
21 property, out of Illinois on a standard uniform bill of lading  
22 showing the seller of the property as the shipper or consignor  
23 of the property to a destination outside Illinois, for use  
24 outside Illinois.

25 (18) Legal tender, currency, medallions, or gold or silver  
26 coinage issued by the State of Illinois, the government of the

1 United States of America, or the government of any foreign  
2 country, and bullion.

3 (19) Until July 1 2003, oil field exploration, drilling,  
4 and production equipment, including (i) rigs and parts of rigs,  
5 rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and  
6 tubular goods, including casing and drill strings, (iii) pumps  
7 and pump-jack units, (iv) storage tanks and flow lines, (v) any  
8 individual replacement part for oil field exploration,  
9 drilling, and production equipment, and (vi) machinery and  
10 equipment purchased for lease; but excluding motor vehicles  
11 required to be registered under the Illinois Vehicle Code.

12 (20) Photoprocessing machinery and equipment, including  
13 repair and replacement parts, both new and used, including that  
14 manufactured on special order, certified by the purchaser to be  
15 used primarily for photoprocessing, and including  
16 photoprocessing machinery and equipment purchased for lease.

17 (21) Until July 1, 2003, coal exploration, mining,  
18 offhighway hauling, processing, maintenance, and reclamation  
19 equipment, including replacement parts and equipment, and  
20 including equipment purchased for lease, but excluding motor  
21 vehicles required to be registered under the Illinois Vehicle  
22 Code.

23 (22) Fuel and petroleum products sold to or used by an air  
24 carrier, certified by the carrier to be used for consumption,  
25 shipment, or storage in the conduct of its business as an air  
26 common carrier, for a flight destined for or returning from a

1 location or locations outside the United States without regard  
2 to previous or subsequent domestic stopovers.

3 (23) A transaction in which the purchase order is received  
4 by a florist who is located outside Illinois, but who has a  
5 florist located in Illinois deliver the property to the  
6 purchaser or the purchaser's donee in Illinois.

7 (24) Fuel consumed or used in the operation of ships,  
8 barges, or vessels that are used primarily in or for the  
9 transportation of property or the conveyance of persons for  
10 hire on rivers bordering on this State if the fuel is delivered  
11 by the seller to the purchaser's barge, ship, or vessel while  
12 it is afloat upon that bordering river.

13 (25) Except as provided in item (25-5) of this Section, a  
14 motor vehicle sold in this State to a nonresident even though  
15 the motor vehicle is delivered to the nonresident in this  
16 State, if the motor vehicle is not to be titled in this State,  
17 and if a drive-away permit is issued to the motor vehicle as  
18 provided in Section 3-603 of the Illinois Vehicle Code or if  
19 the nonresident purchaser has vehicle registration plates to  
20 transfer to the motor vehicle upon returning to his or her home  
21 state. The issuance of the drive-away permit or having the  
22 out-of-state registration plates to be transferred is prima  
23 facie evidence that the motor vehicle will not be titled in  
24 this State.

25 (25-5) The exemption under item (25) does not apply if the  
26 state in which the motor vehicle will be titled does not allow

1 a reciprocal exemption for a motor vehicle sold and delivered  
2 in that state to an Illinois resident but titled in Illinois.  
3 The tax collected under this Act on the sale of a motor vehicle  
4 in this State to a resident of another state that does not  
5 allow a reciprocal exemption shall be imposed at a rate equal  
6 to the state's rate of tax on taxable property in the state in  
7 which the purchaser is a resident, except that the tax shall  
8 not exceed the tax that would otherwise be imposed under this  
9 Act. At the time of the sale, the purchaser shall execute a  
10 statement, signed under penalty of perjury, of his or her  
11 intent to title the vehicle in the state in which the purchaser  
12 is a resident within 30 days after the sale and of the fact of  
13 the payment to the State of Illinois of tax in an amount  
14 equivalent to the state's rate of tax on taxable property in  
15 his or her state of residence and shall submit the statement to  
16 the appropriate tax collection agency in his or her state of  
17 residence. In addition, the retailer must retain a signed copy  
18 of the statement in his or her records. Nothing in this item  
19 shall be construed to require the removal of the vehicle from  
20 this state following the filing of an intent to title the  
21 vehicle in the purchaser's state of residence if the purchaser  
22 titles the vehicle in his or her state of residence within 30  
23 days after the date of sale. The tax collected under this Act  
24 in accordance with this item (25-5) shall be proportionately  
25 distributed as if the tax were collected at the 6.25% general  
26 rate imposed under this Act.

1           (25-7) Beginning on July 1, 2007, no tax is imposed under  
2 this Act on the sale of an aircraft, as defined in Section 3 of  
3 the Illinois Aeronautics Act, if all of the following  
4 conditions are met:

5           (1) the aircraft leaves this State within 15 days after  
6 the later of either the issuance of the final billing for  
7 the sale of the aircraft, or the authorized approval for  
8 return to service, completion of the maintenance record  
9 entry, and completion of the test flight and ground test  
10 for inspection, as required by 14 C.F.R. 91.407;

11           (2) the aircraft is not based or registered in this  
12 State after the sale of the aircraft; and

13           (3) the seller retains in his or her books and records  
14 and provides to the Department a signed and dated  
15 certification from the purchaser, on a form prescribed by  
16 the Department, certifying that the requirements of this  
17 item (25-7) are met. The certificate must also include the  
18 name and address of the purchaser, the address of the  
19 location where the aircraft is to be titled or registered,  
20 the address of the primary physical location of the  
21 aircraft, and other information that the Department may  
22 reasonably require.

23           For purposes of this item (25-7):

24           "Based in this State" means hangared, stored, or otherwise  
25 used, excluding post-sale customizations as defined in this  
26 Section, for 10 or more days in each 12-month period

1 immediately following the date of the sale of the aircraft.

2 "Registered in this State" means an aircraft registered  
3 with the Department of Transportation, Aeronautics Division,  
4 or titled or registered with the Federal Aviation  
5 Administration to an address located in this State.

6 This paragraph (25-7) is exempt from the provisions of  
7 Section 2-70.

8 (26) Semen used for artificial insemination of livestock  
9 for direct agricultural production.

10 (27) Horses, or interests in horses, registered with and  
11 meeting the requirements of any of the Arabian Horse Club  
12 Registry of America, Appaloosa Horse Club, American Quarter  
13 Horse Association, United States Trotting Association, or  
14 Jockey Club, as appropriate, used for purposes of breeding or  
15 racing for prizes. This item (27) is exempt from the provisions  
16 of Section 2-70, and the exemption provided for under this item  
17 (27) applies for all periods beginning May 30, 1995, but no  
18 claim for credit or refund is allowed on or after January 1,  
19 2008 (the effective date of Public Act 95-88) for such taxes  
20 paid during the period beginning May 30, 2000 and ending on  
21 January 1, 2008 (the effective date of Public Act 95-88).

22 (28) Computers and communications equipment utilized for  
23 any hospital purpose and equipment used in the diagnosis,  
24 analysis, or treatment of hospital patients sold to a lessor  
25 who leases the equipment, under a lease of one year or longer  
26 executed or in effect at the time of the purchase, to a

1 hospital that has been issued an active tax exemption  
2 identification number by the Department under Section 1g of  
3 this Act.

4 (29) Personal property sold to a lessor who leases the  
5 property, under a lease of one year or longer executed or in  
6 effect at the time of the purchase, to a governmental body that  
7 has been issued an active tax exemption identification number  
8 by the Department under Section 1g of this Act.

9 (30) Beginning with taxable years ending on or after  
10 December 31, 1995 and ending with taxable years ending on or  
11 before December 31, 2004, personal property that is donated for  
12 disaster relief to be used in a State or federally declared  
13 disaster area in Illinois or bordering Illinois by a  
14 manufacturer or retailer that is registered in this State to a  
15 corporation, society, association, foundation, or institution  
16 that has been issued a sales tax exemption identification  
17 number by the Department that assists victims of the disaster  
18 who reside within the declared disaster area.

19 (31) Beginning with taxable years ending on or after  
20 December 31, 1995 and ending with taxable years ending on or  
21 before December 31, 2004, personal property that is used in the  
22 performance of infrastructure repairs in this State, including  
23 but not limited to municipal roads and streets, access roads,  
24 bridges, sidewalks, waste disposal systems, water and sewer  
25 line extensions, water distribution and purification  
26 facilities, storm water drainage and retention facilities, and

1 sewage treatment facilities, resulting from a State or  
2 federally declared disaster in Illinois or bordering Illinois  
3 when such repairs are initiated on facilities located in the  
4 declared disaster area within 6 months after the disaster.

5 (32) Beginning July 1, 1999, game or game birds sold at a  
6 "game breeding and hunting preserve area" or an "exotic game  
7 hunting area" as those terms are used in the Wildlife Code or  
8 at a hunting enclosure approved through rules adopted by the  
9 Department of Natural Resources. This paragraph is exempt from  
10 the provisions of Section 2-70.

11 (33) A motor vehicle, as that term is defined in Section  
12 1-146 of the Illinois Vehicle Code, that is donated to a  
13 corporation, limited liability company, society, association,  
14 foundation, or institution that is determined by the Department  
15 to be organized and operated exclusively for educational  
16 purposes. For purposes of this exemption, "a corporation,  
17 limited liability company, society, association, foundation,  
18 or institution organized and operated exclusively for  
19 educational purposes" means all tax-supported public schools,  
20 private schools that offer systematic instruction in useful  
21 branches of learning by methods common to public schools and  
22 that compare favorably in their scope and intensity with the  
23 course of study presented in tax-supported schools, and  
24 vocational or technical schools or institutes organized and  
25 operated exclusively to provide a course of study of not less  
26 than 6 weeks duration and designed to prepare individuals to

1 follow a trade or to pursue a manual, technical, mechanical,  
2 industrial, business, or commercial occupation.

3 (34) Beginning January 1, 2000, personal property,  
4 including food, purchased through fundraising events for the  
5 benefit of a public or private elementary or secondary school,  
6 a group of those schools, or one or more school districts if  
7 the events are sponsored by an entity recognized by the school  
8 district that consists primarily of volunteers and includes  
9 parents and teachers of the school children. This paragraph  
10 does not apply to fundraising events (i) for the benefit of  
11 private home instruction or (ii) for which the fundraising  
12 entity purchases the personal property sold at the events from  
13 another individual or entity that sold the property for the  
14 purpose of resale by the fundraising entity and that profits  
15 from the sale to the fundraising entity. This paragraph is  
16 exempt from the provisions of Section 2-70.

17 (35) Beginning January 1, 2000 and through December 31,  
18 2001, new or used automatic vending machines that prepare and  
19 serve hot food and beverages, including coffee, soup, and other  
20 items, and replacement parts for these machines. Beginning  
21 January 1, 2002 and through June 30, 2003, machines and parts  
22 for machines used in commercial, coin-operated amusement and  
23 vending business if a use or occupation tax is paid on the  
24 gross receipts derived from the use of the commercial,  
25 coin-operated amusement and vending machines. This paragraph  
26 is exempt from the provisions of Section 2-70.

1           (35-5) Beginning August 23, 2001 and through June 30, 2011,  
2 food for human consumption that is to be consumed off the  
3 premises where it is sold (other than alcoholic beverages, soft  
4 drinks, and food that has been prepared for immediate  
5 consumption) and prescription and nonprescription medicines,  
6 drugs, medical appliances, and insulin, urine testing  
7 materials, syringes, and needles used by diabetics, for human  
8 use, when purchased for use by a person receiving medical  
9 assistance under Article 5 of the Illinois Public Aid Code who  
10 resides in a licensed long-term care facility, as defined in  
11 the Nursing Home Care Act.

12           (36) Beginning August 2, 2001, computers and  
13 communications equipment utilized for any hospital purpose and  
14 equipment used in the diagnosis, analysis, or treatment of  
15 hospital patients sold to a lessor who leases the equipment,  
16 under a lease of one year or longer executed or in effect at  
17 the time of the purchase, to a hospital that has been issued an  
18 active tax exemption identification number by the Department  
19 under Section 1g of this Act. This paragraph is exempt from the  
20 provisions of Section 2-70.

21           (37) Beginning August 2, 2001, personal property sold to a  
22 lessor who leases the property, under a lease of one year or  
23 longer executed or in effect at the time of the purchase, to a  
24 governmental body that has been issued an active tax exemption  
25 identification number by the Department under Section 1g of  
26 this Act. This paragraph is exempt from the provisions of

1 Section 2-70.

2 (38) Beginning on January 1, 2002 and through June 30,  
3 2011, tangible personal property purchased from an Illinois  
4 retailer by a taxpayer engaged in centralized purchasing  
5 activities in Illinois who will, upon receipt of the property  
6 in Illinois, temporarily store the property in Illinois (i) for  
7 the purpose of subsequently transporting it outside this State  
8 for use or consumption thereafter solely outside this State or  
9 (ii) for the purpose of being processed, fabricated, or  
10 manufactured into, attached to, or incorporated into other  
11 tangible personal property to be transported outside this State  
12 and thereafter used or consumed solely outside this State. The  
13 Director of Revenue shall, pursuant to rules adopted in  
14 accordance with the Illinois Administrative Procedure Act,  
15 issue a permit to any taxpayer in good standing with the  
16 Department who is eligible for the exemption under this  
17 paragraph (38). The permit issued under this paragraph (38)  
18 shall authorize the holder, to the extent and in the manner  
19 specified in the rules adopted under this Act, to purchase  
20 tangible personal property from a retailer exempt from the  
21 taxes imposed by this Act. Taxpayers shall maintain all  
22 necessary books and records to substantiate the use and  
23 consumption of all such tangible personal property outside of  
24 the State of Illinois.

25 (39) Beginning January 1, 2008, tangible personal property  
26 used in the construction or maintenance of a community water

1 supply, as defined under Section 3.145 of the Environmental  
2 Protection Act, that is operated by a not-for-profit  
3 corporation that holds a valid water supply permit issued under  
4 Title IV of the Environmental Protection Act. This paragraph is  
5 exempt from the provisions of Section 2-70.

6 (40) Beginning January 1, 2010, materials, parts,  
7 equipment, components, and furnishings incorporated into or  
8 upon an aircraft as part of the modification, refurbishment,  
9 completion, replacement, repair, or maintenance of the  
10 aircraft. This exemption includes consumable supplies used in  
11 the modification, refurbishment, completion, replacement,  
12 repair, and maintenance of aircraft, but excludes any  
13 materials, parts, equipment, components, and consumable  
14 supplies used in the modification, replacement, repair, and  
15 maintenance of aircraft engines or power plants, whether such  
16 engines or power plants are installed or uninstalled upon any  
17 such aircraft. "Consumable supplies" include, but are not  
18 limited to, adhesive, tape, sandpaper, general purpose  
19 lubricants, cleaning solution, latex gloves, and protective  
20 films. This exemption applies only to those organizations that  
21 (i) hold an Air Agency Certificate and are empowered to operate  
22 an approved repair station by the Federal Aviation  
23 Administration, (ii) have a Class IV Rating, and (iii) conduct  
24 operations in accordance with Part 145 of the Federal Aviation  
25 Regulations. The exemption does not include aircraft operated  
26 by a commercial air carrier providing scheduled passenger air

1 service pursuant to authority issued under Part 121 or Part 129  
2 of the Federal Aviation Regulations.

3 (41) ~~(40)~~ Tangible personal property sold to a  
4 public-facilities corporation, as described in Section  
5 11-65-10 of the Illinois Municipal Code, for purposes of  
6 constructing or furnishing a municipal convention hall, but  
7 only if the legal title to the municipal convention hall is  
8 transferred to the municipality without any further  
9 consideration by or on behalf of the municipality at the time  
10 of the completion of the municipal convention hall or upon the  
11 retirement or redemption of any bonds or other debt instruments  
12 issued by the public-facilities corporation in connection with  
13 the development of the municipal convention hall. This  
14 exemption includes existing public-facilities corporations as  
15 provided in Section 11-65-25 of the Illinois Municipal Code.  
16 This paragraph is exempt from the provisions of Section 2-70.

17 (Source: P.A. 95-88, eff. 1-1-08; 95-233, eff. 8-16-07; 95-304,  
18 eff. 8-20-07; 95-538, eff. 1-1-08; 95-707, eff. 1-11-08;  
19 95-876, eff. 8-21-08; 96-116, eff. 7-31-09; 96-532, eff.  
20 8-14-09; 96-759, eff. 1-1-10.)

21 (Text of Section after amendment by P.A. 96-339)

22 Sec. 2-5. Exemptions. Gross receipts from proceeds from the  
23 sale of the following tangible personal property are exempt  
24 from the tax imposed by this Act:

25 (1) Farm chemicals.

1           (2) Farm machinery and equipment, both new and used,  
2 including that manufactured on special order, certified by the  
3 purchaser to be used primarily for production agriculture or  
4 State or federal agricultural programs, including individual  
5 replacement parts for the machinery and equipment, including  
6 machinery and equipment purchased for lease, and including  
7 implements of husbandry defined in Section 1-130 of the  
8 Illinois Vehicle Code, farm machinery and agricultural  
9 chemical and fertilizer spreaders, and nurse wagons required to  
10 be registered under Section 3-809 of the Illinois Vehicle Code,  
11 but excluding other motor vehicles required to be registered  
12 under the Illinois Vehicle Code. Horticultural polyhouses or  
13 hoop houses used for propagating, growing, or overwintering  
14 plants shall be considered farm machinery and equipment under  
15 this item (2). Agricultural chemical tender tanks and dry boxes  
16 shall include units sold separately from a motor vehicle  
17 required to be licensed and units sold mounted on a motor  
18 vehicle required to be licensed, if the selling price of the  
19 tender is separately stated.

20           Farm machinery and equipment shall include precision  
21 farming equipment that is installed or purchased to be  
22 installed on farm machinery and equipment including, but not  
23 limited to, tractors, harvesters, sprayers, planters, seeders,  
24 or spreaders. Precision farming equipment includes, but is not  
25 limited to, soil testing sensors, computers, monitors,  
26 software, global positioning and mapping systems, and other

1 such equipment.

2 Farm machinery and equipment also includes computers,  
3 sensors, software, and related equipment used primarily in the  
4 computer-assisted operation of production agriculture  
5 facilities, equipment, and activities such as, but not limited  
6 to, the collection, monitoring, and correlation of animal and  
7 crop data for the purpose of formulating animal diets and  
8 agricultural chemicals. This item (7) is exempt from the  
9 provisions of Section 2-70.

10 (3) Until July 1, 2003, distillation machinery and  
11 equipment, sold as a unit or kit, assembled or installed by the  
12 retailer, certified by the user to be used only for the  
13 production of ethyl alcohol that will be used for consumption  
14 as motor fuel or as a component of motor fuel for the personal  
15 use of the user, and not subject to sale or resale.

16 (4) Until July 1, 2003 and beginning again September 1,  
17 2004 through August 30, 2014, graphic arts machinery and  
18 equipment, including repair and replacement parts, both new and  
19 used, and including that manufactured on special order or  
20 purchased for lease, certified by the purchaser to be used  
21 primarily for graphic arts production. Equipment includes  
22 chemicals or chemicals acting as catalysts but only if the  
23 chemicals or chemicals acting as catalysts effect a direct and  
24 immediate change upon a graphic arts product.

25 (5) A motor vehicle of the first division, a motor vehicle  
26 of the second division that is a self contained motor vehicle

1 designed or permanently converted to provide living quarters  
2 for recreational, camping, or travel use, with direct walk  
3 through access to the living quarters from the driver's seat,  
4 or a motor vehicle of the second division that is of the van  
5 configuration designed for the transportation of not less than  
6 7 nor more than 16 passengers, as defined in Section 1-146 of  
7 the Illinois Vehicle Code, that is used for automobile renting,  
8 as defined in the Automobile Renting Occupation and Use Tax  
9 Act. This paragraph is exempt from the provisions of Section  
10 2-70.

11 (6) Personal property sold by a teacher-sponsored student  
12 organization affiliated with an elementary or secondary school  
13 located in Illinois.

14 (7) Until July 1, 2003, proceeds of that portion of the  
15 selling price of a passenger car the sale of which is subject  
16 to the Replacement Vehicle Tax.

17 (8) Personal property sold to an Illinois county fair  
18 association for use in conducting, operating, or promoting the  
19 county fair.

20 (9) Personal property sold to a not-for-profit arts or  
21 cultural organization that establishes, by proof required by  
22 the Department by rule, that it has received an exemption under  
23 Section 501(c)(3) of the Internal Revenue Code and that is  
24 organized and operated primarily for the presentation or  
25 support of arts or cultural programming, activities, or  
26 services. These organizations include, but are not limited to,

1 music and dramatic arts organizations such as symphony  
2 orchestras and theatrical groups, arts and cultural service  
3 organizations, local arts councils, visual arts organizations,  
4 and media arts organizations. On and after the effective date  
5 of this amendatory Act of the 92nd General Assembly, however,  
6 an entity otherwise eligible for this exemption shall not make  
7 tax-free purchases unless it has an active identification  
8 number issued by the Department.

9 (10) Personal property sold by a corporation, society,  
10 association, foundation, institution, or organization, other  
11 than a limited liability company, that is organized and  
12 operated as a not-for-profit service enterprise for the benefit  
13 of persons 65 years of age or older if the personal property  
14 was not purchased by the enterprise for the purpose of resale  
15 by the enterprise.

16 (11) Personal property sold to a governmental body, to a  
17 corporation, society, association, foundation, or institution  
18 organized and operated exclusively for charitable, religious,  
19 or educational purposes, or to a not-for-profit corporation,  
20 society, association, foundation, institution, or organization  
21 that has no compensated officers or employees and that is  
22 organized and operated primarily for the recreation of persons  
23 55 years of age or older. A limited liability company may  
24 qualify for the exemption under this paragraph only if the  
25 limited liability company is organized and operated  
26 exclusively for educational purposes. On and after July 1,

1 1987, however, no entity otherwise eligible for this exemption  
2 shall make tax-free purchases unless it has an active  
3 identification number issued by the Department.

4 (12) Tangible personal property sold to interstate  
5 carriers for hire for use as rolling stock moving in interstate  
6 commerce or to lessors under leases of one year or longer  
7 executed or in effect at the time of purchase by interstate  
8 carriers for hire for use as rolling stock moving in interstate  
9 commerce and equipment operated by a telecommunications  
10 provider, licensed as a common carrier by the Federal  
11 Communications Commission, which is permanently installed in  
12 or affixed to aircraft moving in interstate commerce.

13 (12-5) On and after July 1, 2003 and through June 30, 2004,  
14 motor vehicles of the second division with a gross vehicle  
15 weight in excess of 8,000 pounds that are subject to the  
16 commercial distribution fee imposed under Section 3-815.1 of  
17 the Illinois Vehicle Code. Beginning on July 1, 2004 and  
18 through June 30, 2005, the use in this State of motor vehicles  
19 of the second division: (i) with a gross vehicle weight rating  
20 in excess of 8,000 pounds; (ii) that are subject to the  
21 commercial distribution fee imposed under Section 3-815.1 of  
22 the Illinois Vehicle Code; and (iii) that are primarily used  
23 for commercial purposes. Through June 30, 2005, this exemption  
24 applies to repair and replacement parts added after the initial  
25 purchase of such a motor vehicle if that motor vehicle is used  
26 in a manner that would qualify for the rolling stock exemption

1 otherwise provided for in this Act. For purposes of this  
2 paragraph, "used for commercial purposes" means the  
3 transportation of persons or property in furtherance of any  
4 commercial or industrial enterprise whether for-hire or not.

5 (13) Proceeds from sales to owners, lessors, or shippers of  
6 tangible personal property that is utilized by interstate  
7 carriers for hire for use as rolling stock moving in interstate  
8 commerce and equipment operated by a telecommunications  
9 provider, licensed as a common carrier by the Federal  
10 Communications Commission, which is permanently installed in  
11 or affixed to aircraft moving in interstate commerce.

12 (14) Machinery and equipment that will be used by the  
13 purchaser, or a lessee of the purchaser, primarily in the  
14 process of manufacturing or assembling tangible personal  
15 property for wholesale or retail sale or lease, whether the  
16 sale or lease is made directly by the manufacturer or by some  
17 other person, whether the materials used in the process are  
18 owned by the manufacturer or some other person, or whether the  
19 sale or lease is made apart from or as an incident to the  
20 seller's engaging in the service occupation of producing  
21 machines, tools, dies, jigs, patterns, gauges, or other similar  
22 items of no commercial value on special order for a particular  
23 purchaser.

24 (15) Proceeds of mandatory service charges separately  
25 stated on customers' bills for purchase and consumption of food  
26 and beverages, to the extent that the proceeds of the service

1 charge are in fact turned over as tips or as a substitute for  
2 tips to the employees who participate directly in preparing,  
3 serving, hosting or cleaning up the food or beverage function  
4 with respect to which the service charge is imposed.

5 (16) Petroleum products sold to a purchaser if the seller  
6 is prohibited by federal law from charging tax to the  
7 purchaser.

8 (17) Tangible personal property sold to a common carrier by  
9 rail or motor that receives the physical possession of the  
10 property in Illinois and that transports the property, or  
11 shares with another common carrier in the transportation of the  
12 property, out of Illinois on a standard uniform bill of lading  
13 showing the seller of the property as the shipper or consignor  
14 of the property to a destination outside Illinois, for use  
15 outside Illinois.

16 (18) Legal tender, currency, medallions, or gold or silver  
17 coinage issued by the State of Illinois, the government of the  
18 United States of America, or the government of any foreign  
19 country, and bullion.

20 (19) Until July 1 2003, oil field exploration, drilling,  
21 and production equipment, including (i) rigs and parts of rigs,  
22 rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and  
23 tubular goods, including casing and drill strings, (iii) pumps  
24 and pump-jack units, (iv) storage tanks and flow lines, (v) any  
25 individual replacement part for oil field exploration,  
26 drilling, and production equipment, and (vi) machinery and

1 equipment purchased for lease; but excluding motor vehicles  
2 required to be registered under the Illinois Vehicle Code.

3 (20) Photoprocessing machinery and equipment, including  
4 repair and replacement parts, both new and used, including that  
5 manufactured on special order, certified by the purchaser to be  
6 used primarily for photoprocessing, and including  
7 photoprocessing machinery and equipment purchased for lease.

8 (21) Until July 1, 2003, coal exploration, mining,  
9 offhighway hauling, processing, maintenance, and reclamation  
10 equipment, including replacement parts and equipment, and  
11 including equipment purchased for lease, but excluding motor  
12 vehicles required to be registered under the Illinois Vehicle  
13 Code.

14 (22) Fuel and petroleum products sold to or used by an air  
15 carrier, certified by the carrier to be used for consumption,  
16 shipment, or storage in the conduct of its business as an air  
17 common carrier, for a flight destined for or returning from a  
18 location or locations outside the United States without regard  
19 to previous or subsequent domestic stopovers.

20 (23) A transaction in which the purchase order is received  
21 by a florist who is located outside Illinois, but who has a  
22 florist located in Illinois deliver the property to the  
23 purchaser or the purchaser's donee in Illinois.

24 (24) Fuel consumed or used in the operation of ships,  
25 barges, or vessels that are used primarily in or for the  
26 transportation of property or the conveyance of persons for

1 hire on rivers bordering on this State if the fuel is delivered  
2 by the seller to the purchaser's barge, ship, or vessel while  
3 it is afloat upon that bordering river.

4 (25) Except as provided in item (25-5) of this Section, a  
5 motor vehicle sold in this State to a nonresident even though  
6 the motor vehicle is delivered to the nonresident in this  
7 State, if the motor vehicle is not to be titled in this State,  
8 and if a drive-away permit is issued to the motor vehicle as  
9 provided in Section 3-603 of the Illinois Vehicle Code or if  
10 the nonresident purchaser has vehicle registration plates to  
11 transfer to the motor vehicle upon returning to his or her home  
12 state. The issuance of the drive-away permit or having the  
13 out-of-state registration plates to be transferred is prima  
14 facie evidence that the motor vehicle will not be titled in  
15 this State.

16 (25-5) The exemption under item (25) does not apply if the  
17 state in which the motor vehicle will be titled does not allow  
18 a reciprocal exemption for a motor vehicle sold and delivered  
19 in that state to an Illinois resident but titled in Illinois.  
20 The tax collected under this Act on the sale of a motor vehicle  
21 in this State to a resident of another state that does not  
22 allow a reciprocal exemption shall be imposed at a rate equal  
23 to the state's rate of tax on taxable property in the state in  
24 which the purchaser is a resident, except that the tax shall  
25 not exceed the tax that would otherwise be imposed under this  
26 Act. At the time of the sale, the purchaser shall execute a

1 statement, signed under penalty of perjury, of his or her  
2 intent to title the vehicle in the state in which the purchaser  
3 is a resident within 30 days after the sale and of the fact of  
4 the payment to the State of Illinois of tax in an amount  
5 equivalent to the state's rate of tax on taxable property in  
6 his or her state of residence and shall submit the statement to  
7 the appropriate tax collection agency in his or her state of  
8 residence. In addition, the retailer must retain a signed copy  
9 of the statement in his or her records. Nothing in this item  
10 shall be construed to require the removal of the vehicle from  
11 this state following the filing of an intent to title the  
12 vehicle in the purchaser's state of residence if the purchaser  
13 titles the vehicle in his or her state of residence within 30  
14 days after the date of sale. The tax collected under this Act  
15 in accordance with this item (25-5) shall be proportionately  
16 distributed as if the tax were collected at the 6.25% general  
17 rate imposed under this Act.

18 (25-7) Beginning on July 1, 2007, no tax is imposed under  
19 this Act on the sale of an aircraft, as defined in Section 3 of  
20 the Illinois Aeronautics Act, if all of the following  
21 conditions are met:

22 (1) the aircraft leaves this State within 15 days after  
23 the later of either the issuance of the final billing for  
24 the sale of the aircraft, or the authorized approval for  
25 return to service, completion of the maintenance record  
26 entry, and completion of the test flight and ground test

1 for inspection, as required by 14 C.F.R. 91.407;

2 (2) the aircraft is not based or registered in this  
3 State after the sale of the aircraft; and

4 (3) the seller retains in his or her books and records  
5 and provides to the Department a signed and dated  
6 certification from the purchaser, on a form prescribed by  
7 the Department, certifying that the requirements of this  
8 item (25-7) are met. The certificate must also include the  
9 name and address of the purchaser, the address of the  
10 location where the aircraft is to be titled or registered,  
11 the address of the primary physical location of the  
12 aircraft, and other information that the Department may  
13 reasonably require.

14 For purposes of this item (25-7):

15 "Based in this State" means hangared, stored, or otherwise  
16 used, excluding post-sale customizations as defined in this  
17 Section, for 10 or more days in each 12-month period  
18 immediately following the date of the sale of the aircraft.

19 "Registered in this State" means an aircraft registered  
20 with the Department of Transportation, Aeronautics Division,  
21 or titled or registered with the Federal Aviation  
22 Administration to an address located in this State.

23 This paragraph (25-7) is exempt from the provisions of  
24 Section 2-70.

25 (26) Semen used for artificial insemination of livestock  
26 for direct agricultural production.

1           (27) Horses, or interests in horses, registered with and  
2 meeting the requirements of any of the Arabian Horse Club  
3 Registry of America, Appaloosa Horse Club, American Quarter  
4 Horse Association, United States Trotting Association, or  
5 Jockey Club, as appropriate, used for purposes of breeding or  
6 racing for prizes. This item (27) is exempt from the provisions  
7 of Section 2-70, and the exemption provided for under this item  
8 (27) applies for all periods beginning May 30, 1995, but no  
9 claim for credit or refund is allowed on or after January 1,  
10 2008 (the effective date of Public Act 95-88) for such taxes  
11 paid during the period beginning May 30, 2000 and ending on  
12 January 1, 2008 (the effective date of Public Act 95-88).

13           (28) Computers and communications equipment utilized for  
14 any hospital purpose and equipment used in the diagnosis,  
15 analysis, or treatment of hospital patients sold to a lessor  
16 who leases the equipment, under a lease of one year or longer  
17 executed or in effect at the time of the purchase, to a  
18 hospital that has been issued an active tax exemption  
19 identification number by the Department under Section 1g of  
20 this Act.

21           (29) Personal property sold to a lessor who leases the  
22 property, under a lease of one year or longer executed or in  
23 effect at the time of the purchase, to a governmental body that  
24 has been issued an active tax exemption identification number  
25 by the Department under Section 1g of this Act.

26           (30) Beginning with taxable years ending on or after

1 December 31, 1995 and ending with taxable years ending on or  
2 before December 31, 2004, personal property that is donated for  
3 disaster relief to be used in a State or federally declared  
4 disaster area in Illinois or bordering Illinois by a  
5 manufacturer or retailer that is registered in this State to a  
6 corporation, society, association, foundation, or institution  
7 that has been issued a sales tax exemption identification  
8 number by the Department that assists victims of the disaster  
9 who reside within the declared disaster area.

10 (31) Beginning with taxable years ending on or after  
11 December 31, 1995 and ending with taxable years ending on or  
12 before December 31, 2004, personal property that is used in the  
13 performance of infrastructure repairs in this State, including  
14 but not limited to municipal roads and streets, access roads,  
15 bridges, sidewalks, waste disposal systems, water and sewer  
16 line extensions, water distribution and purification  
17 facilities, storm water drainage and retention facilities, and  
18 sewage treatment facilities, resulting from a State or  
19 federally declared disaster in Illinois or bordering Illinois  
20 when such repairs are initiated on facilities located in the  
21 declared disaster area within 6 months after the disaster.

22 (32) Beginning July 1, 1999, game or game birds sold at a  
23 "game breeding and hunting preserve area" or an "exotic game  
24 hunting area" as those terms are used in the Wildlife Code or  
25 at a hunting enclosure approved through rules adopted by the  
26 Department of Natural Resources. This paragraph is exempt from

1 the provisions of Section 2-70.

2 (33) A motor vehicle, as that term is defined in Section  
3 1-146 of the Illinois Vehicle Code, that is donated to a  
4 corporation, limited liability company, society, association,  
5 foundation, or institution that is determined by the Department  
6 to be organized and operated exclusively for educational  
7 purposes. For purposes of this exemption, "a corporation,  
8 limited liability company, society, association, foundation,  
9 or institution organized and operated exclusively for  
10 educational purposes" means all tax-supported public schools,  
11 private schools that offer systematic instruction in useful  
12 branches of learning by methods common to public schools and  
13 that compare favorably in their scope and intensity with the  
14 course of study presented in tax-supported schools, and  
15 vocational or technical schools or institutes organized and  
16 operated exclusively to provide a course of study of not less  
17 than 6 weeks duration and designed to prepare individuals to  
18 follow a trade or to pursue a manual, technical, mechanical,  
19 industrial, business, or commercial occupation.

20 (34) Beginning January 1, 2000, personal property,  
21 including food, purchased through fundraising events for the  
22 benefit of a public or private elementary or secondary school,  
23 a group of those schools, or one or more school districts if  
24 the events are sponsored by an entity recognized by the school  
25 district that consists primarily of volunteers and includes  
26 parents and teachers of the school children. This paragraph

1 does not apply to fundraising events (i) for the benefit of  
2 private home instruction or (ii) for which the fundraising  
3 entity purchases the personal property sold at the events from  
4 another individual or entity that sold the property for the  
5 purpose of resale by the fundraising entity and that profits  
6 from the sale to the fundraising entity. This paragraph is  
7 exempt from the provisions of Section 2-70.

8 (35) Beginning January 1, 2000 and through December 31,  
9 2001, new or used automatic vending machines that prepare and  
10 serve hot food and beverages, including coffee, soup, and other  
11 items, and replacement parts for these machines. Beginning  
12 January 1, 2002 and through June 30, 2003, machines and parts  
13 for machines used in commercial, coin-operated amusement and  
14 vending business if a use or occupation tax is paid on the  
15 gross receipts derived from the use of the commercial,  
16 coin-operated amusement and vending machines. This paragraph  
17 is exempt from the provisions of Section 2-70.

18 (35-5) Beginning August 23, 2001 and through June 30, 2011,  
19 food for human consumption that is to be consumed off the  
20 premises where it is sold (other than alcoholic beverages, soft  
21 drinks, and food that has been prepared for immediate  
22 consumption) and prescription and nonprescription medicines,  
23 drugs, medical appliances, and insulin, urine testing  
24 materials, syringes, and needles used by diabetics, for human  
25 use, when purchased for use by a person receiving medical  
26 assistance under Article V of the Illinois Public Aid Code who

1 resides in a licensed long-term care facility, as defined in  
2 the Nursing Home Care Act, or a licensed facility as defined in  
3 the MR/DD Community Care Act.

4 (36) Beginning August 2, 2001, computers and  
5 communications equipment utilized for any hospital purpose and  
6 equipment used in the diagnosis, analysis, or treatment of  
7 hospital patients sold to a lessor who leases the equipment,  
8 under a lease of one year or longer executed or in effect at  
9 the time of the purchase, to a hospital that has been issued an  
10 active tax exemption identification number by the Department  
11 under Section 1g of this Act. This paragraph is exempt from the  
12 provisions of Section 2-70.

13 (37) Beginning August 2, 2001, personal property sold to a  
14 lessor who leases the property, under a lease of one year or  
15 longer executed or in effect at the time of the purchase, to a  
16 governmental body that has been issued an active tax exemption  
17 identification number by the Department under Section 1g of  
18 this Act. This paragraph is exempt from the provisions of  
19 Section 2-70.

20 (38) Beginning on January 1, 2002 and through June 30,  
21 2011, tangible personal property purchased from an Illinois  
22 retailer by a taxpayer engaged in centralized purchasing  
23 activities in Illinois who will, upon receipt of the property  
24 in Illinois, temporarily store the property in Illinois (i) for  
25 the purpose of subsequently transporting it outside this State  
26 for use or consumption thereafter solely outside this State or

1 (ii) for the purpose of being processed, fabricated, or  
2 manufactured into, attached to, or incorporated into other  
3 tangible personal property to be transported outside this State  
4 and thereafter used or consumed solely outside this State. The  
5 Director of Revenue shall, pursuant to rules adopted in  
6 accordance with the Illinois Administrative Procedure Act,  
7 issue a permit to any taxpayer in good standing with the  
8 Department who is eligible for the exemption under this  
9 paragraph (38). The permit issued under this paragraph (38)  
10 shall authorize the holder, to the extent and in the manner  
11 specified in the rules adopted under this Act, to purchase  
12 tangible personal property from a retailer exempt from the  
13 taxes imposed by this Act. Taxpayers shall maintain all  
14 necessary books and records to substantiate the use and  
15 consumption of all such tangible personal property outside of  
16 the State of Illinois.

17 (39) Beginning January 1, 2008, tangible personal property  
18 used in the construction or maintenance of a community water  
19 supply, as defined under Section 3.145 of the Environmental  
20 Protection Act, that is operated by a not-for-profit  
21 corporation that holds a valid water supply permit issued under  
22 Title IV of the Environmental Protection Act. This paragraph is  
23 exempt from the provisions of Section 2-70.

24 (40) Beginning January 1, 2010, materials, parts,  
25 equipment, components, and furnishings incorporated into or  
26 upon an aircraft as part of the modification, refurbishment,

1 completion, replacement, repair, or maintenance of the  
2 aircraft. This exemption includes consumable supplies used in  
3 the modification, refurbishment, completion, replacement,  
4 repair, and maintenance of aircraft, but excludes any  
5 materials, parts, equipment, components, and consumable  
6 supplies used in the modification, replacement, repair, and  
7 maintenance of aircraft engines or power plants, whether such  
8 engines or power plants are installed or uninstalled upon any  
9 such aircraft. "Consumable supplies" include, but are not  
10 limited to, adhesive, tape, sandpaper, general purpose  
11 lubricants, cleaning solution, latex gloves, and protective  
12 films. This exemption applies only to those organizations that  
13 (i) hold an Air Agency Certificate and are empowered to operate  
14 an approved repair station by the Federal Aviation  
15 Administration, (ii) have a Class IV Rating, and (iii) conduct  
16 operations in accordance with Part 145 of the Federal Aviation  
17 Regulations. The exemption does not include aircraft operated  
18 by a commercial air carrier providing scheduled passenger air  
19 service pursuant to authority issued under Part 121 or Part 129  
20 of the Federal Aviation Regulations.

21 (41) ~~(40)~~ Tangible personal property sold to a  
22 public-facilities corporation, as described in Section  
23 11-65-10 of the Illinois Municipal Code, for purposes of  
24 constructing or furnishing a municipal convention hall, but  
25 only if the legal title to the municipal convention hall is  
26 transferred to the municipality without any further

1 consideration by or on behalf of the municipality at the time  
2 of the completion of the municipal convention hall or upon the  
3 retirement or redemption of any bonds or other debt instruments  
4 issued by the public-facilities corporation in connection with  
5 the development of the municipal convention hall. This  
6 exemption includes existing public-facilities corporations as  
7 provided in Section 11-65-25 of the Illinois Municipal Code.  
8 This paragraph is exempt from the provisions of Section 2-70.

9 (Source: P.A. 95-88, eff. 1-1-08; 95-233, eff. 8-16-07; 95-304,  
10 eff. 8-20-07; 95-538, eff. 1-1-08; 95-707, eff. 1-11-08;  
11 95-876, eff. 8-21-08; 96-116, eff. 7-31-09; 96-339, eff.  
12 7-1-10; 96-532, eff. 8-14-09; 96-759, eff. 1-1-10; revised  
13 9-25-09.)

14 (35 ILCS 120/2-10)

15 Sec. 2-10. Rate of tax. Unless otherwise provided in this  
16 Section, the tax imposed by this Act is at the rate of 6.25% of  
17 gross receipts from sales of tangible personal property made in  
18 the course of business.

19 Beginning on July 1, 2000 and through December 31, 2000,  
20 with respect to motor fuel, as defined in Section 1.1 of the  
21 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of  
22 the Use Tax Act, the tax is imposed at the rate of 1.25%.

23 Within 14 days after the effective date of this amendatory  
24 Act of the 91st General Assembly, each retailer of motor fuel  
25 and gasohol shall cause the following notice to be posted in a

1 prominently visible place on each retail dispensing device that  
2 is used to dispense motor fuel or gasohol in the State of  
3 Illinois: "As of July 1, 2000, the State of Illinois has  
4 eliminated the State's share of sales tax on motor fuel and  
5 gasohol through December 31, 2000. The price on this pump  
6 should reflect the elimination of the tax." The notice shall be  
7 printed in bold print on a sign that is no smaller than 4  
8 inches by 8 inches. The sign shall be clearly visible to  
9 customers. Any retailer who fails to post or maintain a  
10 required sign through December 31, 2000 is guilty of a petty  
11 offense for which the fine shall be \$500 per day per each  
12 retail premises where a violation occurs.

13 With respect to gasohol, as defined in the Use Tax Act, the  
14 tax imposed by this Act applies to (i) 70% of the proceeds of  
15 sales made on or after January 1, 1990, and before July 1,  
16 2003, (ii) 80% of the proceeds of sales made on or after July  
17 1, 2003 and on or before December 31, 2013, and (iii) 100% of  
18 the proceeds of sales made thereafter. If, at any time,  
19 however, the tax under this Act on sales of gasohol, as defined  
20 in the Use Tax Act, is imposed at the rate of 1.25%, then the  
21 tax imposed by this Act applies to 100% of the proceeds of  
22 sales of gasohol made during that time.

23 With respect to majority blended ethanol fuel, as defined  
24 in the Use Tax Act, the tax imposed by this Act does not apply  
25 to the proceeds of sales made on or after July 1, 2003 and on or  
26 before December 31, 2013 but applies to 100% of the proceeds of

1 sales made thereafter.

2 With respect to biodiesel blends, as defined in the Use Tax  
3 Act, with no less than 1% and no more than 10% biodiesel, the  
4 tax imposed by this Act applies to (i) 80% of the proceeds of  
5 sales made on or after July 1, 2003 and on or before December  
6 31, 2013 and (ii) 100% of the proceeds of sales made  
7 thereafter. If, at any time, however, the tax under this Act on  
8 sales of biodiesel blends, as defined in the Use Tax Act, with  
9 no less than 1% and no more than 10% biodiesel is imposed at  
10 the rate of 1.25%, then the tax imposed by this Act applies to  
11 100% of the proceeds of sales of biodiesel blends with no less  
12 than 1% and no more than 10% biodiesel made during that time.

13 With respect to 100% biodiesel, as defined in the Use Tax  
14 Act, and biodiesel blends, as defined in the Use Tax Act, with  
15 more than 10% but no more than 99% biodiesel, the tax imposed  
16 by this Act does not apply to the proceeds of sales made on or  
17 after July 1, 2003 and on or before December 31, 2013 but  
18 applies to 100% of the proceeds of sales made thereafter.

19 With respect to food for human consumption that is to be  
20 consumed off the premises where it is sold (other than  
21 alcoholic beverages, soft drinks, and food that has been  
22 prepared for immediate consumption) and prescription and  
23 nonprescription medicines, drugs, medical appliances,  
24 modifications to a motor vehicle for the purpose of rendering  
25 it usable by a disabled person, and insulin, urine testing  
26 materials, syringes, and needles used by diabetics, for human

1 use, the tax is imposed at the rate of 1%. For the purposes of  
2 this Section, until September 1, 2009: the term "soft drinks"  
3 means any complete, finished, ready-to-use, non-alcoholic  
4 drink, whether carbonated or not, including but not limited to  
5 soda water, cola, fruit juice, vegetable juice, carbonated  
6 water, and all other preparations commonly known as soft drinks  
7 of whatever kind or description that are contained in any  
8 closed or sealed bottle, can, carton, or container, regardless  
9 of size; but "soft drinks" does not include coffee, tea,  
10 non-carbonated water, infant formula, milk or milk products as  
11 defined in the Grade A Pasteurized Milk and Milk Products Act,  
12 or drinks containing 50% or more natural fruit or vegetable  
13 juice.

14 Notwithstanding any other provisions of this Act,  
15 beginning September 1, 2009, "soft drinks" means non-alcoholic  
16 beverages that contain natural or artificial sweeteners. "Soft  
17 drinks" do not include beverages that contain milk or milk  
18 products, soy, rice or similar milk substitutes, or greater  
19 than 50% of vegetable or fruit juice by volume.

20 Until August 1, 2009, and notwithstanding any other  
21 provisions of this Act, "food for human consumption that is to  
22 be consumed off the premises where it is sold" includes all  
23 food sold through a vending machine, except soft drinks, and  
24 food products that are dispensed hot from a vending machine,  
25 regardless of the location of the vending machine. Beginning  
26 August 1, 2009, and notwithstanding any other provisions of

1 this Act, "food for human consumption that is to be consumed  
2 off the premises where it is sold" includes all food sold  
3 through a vending machine, except soft drinks, candy, and food  
4 products that are dispensed hot from a vending machine,  
5 regardless of the location of the vending machine.

6 Notwithstanding any other provisions of this Act,  
7 beginning September 1, 2009, "food for human consumption that  
8 is to be consumed off the premises where it is sold" does not  
9 include candy. For purposes of this Section, "candy" means a  
10 preparation of sugar, honey, or other natural or artificial  
11 sweeteners in combination with chocolate, fruits, nuts or other  
12 ingredients or flavorings in the form of bars, drops, or  
13 pieces. "Candy" does not include any preparation that contains  
14 flour or requires refrigeration.

15 Notwithstanding any other provisions of this Act,  
16 beginning September 1, 2009, "nonprescription medicines and  
17 drugs" does not include grooming and hygiene products. For  
18 purposes of this Section, "grooming and hygiene products"  
19 includes, but is not limited to, soaps and cleaning solutions,  
20 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan  
21 lotions and screens, unless those products are available by  
22 prescription only, regardless of whether the products meet the  
23 definition of "over-the-counter-drugs". For the purposes of  
24 this paragraph, "over-the-counter-drug" means a drug for human  
25 use that contains a label that identifies the product as a drug  
26 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"

1 label includes:

2 (A) A "Drug Facts" panel; or

3 (B) A statement of the "active ingredient(s)" with a  
4 list of those ingredients contained in the compound,  
5 substance or preparation.

6 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-38,  
7 eff. 7-13-09; revised 8-20-09.)

8 Section 215. The Property Tax Code is amended by changing  
9 Sections 15-170, 15-172, and 18-185 as follows:

10 (35 ILCS 200/15-170)

11 (Text of Section before amendment by P.A. 96-339)

12 Sec. 15-170. Senior Citizens Homestead Exemption. An  
13 annual homestead exemption limited, except as described here  
14 with relation to cooperatives or life care facilities, to a  
15 maximum reduction set forth below from the property's value, as  
16 equalized or assessed by the Department, is granted for  
17 property that is occupied as a residence by a person 65 years  
18 of age or older who is liable for paying real estate taxes on  
19 the property and is an owner of record of the property or has a  
20 legal or equitable interest therein as evidenced by a written  
21 instrument, except for a leasehold interest, other than a  
22 leasehold interest of land on which a single family residence  
23 is located, which is occupied as a residence by a person 65  
24 years or older who has an ownership interest therein, legal,

1 equitable or as a lessee, and on which he or she is liable for  
2 the payment of property taxes. Before taxable year 2004, the  
3 maximum reduction shall be \$2,500 in counties with 3,000,000 or  
4 more inhabitants and \$2,000 in all other counties. For taxable  
5 years 2004 through 2005, the maximum reduction shall be \$3,000  
6 in all counties. For taxable years 2006 and 2007, the maximum  
7 reduction shall be \$3,500 and, for taxable years 2008 and  
8 thereafter, the maximum reduction is \$4,000 in all counties.

9 For land improved with an apartment building owned and  
10 operated as a cooperative, the maximum reduction from the value  
11 of the property, as equalized by the Department, shall be  
12 multiplied by the number of apartments or units occupied by a  
13 person 65 years of age or older who is liable, by contract with  
14 the owner or owners of record, for paying property taxes on the  
15 property and is an owner of record of a legal or equitable  
16 interest in the cooperative apartment building, other than a  
17 leasehold interest. For land improved with a life care  
18 facility, the maximum reduction from the value of the property,  
19 as equalized by the Department, shall be multiplied by the  
20 number of apartments or units occupied by persons 65 years of  
21 age or older, irrespective of any legal, equitable, or  
22 leasehold interest in the facility, who are liable, under a  
23 contract with the owner or owners of record of the facility,  
24 for paying property taxes on the property. In a cooperative or  
25 a life care facility where a homestead exemption has been  
26 granted, the cooperative association or the management firm of

1 the cooperative or facility shall credit the savings resulting  
2 from that exemption only to the apportioned tax liability of  
3 the owner or resident who qualified for the exemption. Any  
4 person who willfully refuses to so credit the savings shall be  
5 guilty of a Class B misdemeanor. Under this Section and  
6 Sections 15-175, 15-176, and 15-177, "life care facility" means  
7 a facility, as defined in Section 2 of the Life Care Facilities  
8 Act, with which the applicant for the homestead exemption has a  
9 life care contract as defined in that Act.

10 When a homestead exemption has been granted under this  
11 Section and the person qualifying subsequently becomes a  
12 resident of a facility licensed under the Assisted Living and  
13 Shared Housing Act or the Nursing Home Care Act, the exemption  
14 shall continue so long as the residence continues to be  
15 occupied by the qualifying person's spouse if the spouse is 65  
16 years of age or older, or if the residence remains unoccupied  
17 but is still owned by the person qualified for the homestead  
18 exemption.

19 A person who will be 65 years of age during the current  
20 assessment year shall be eligible to apply for the homestead  
21 exemption during that assessment year. Application shall be  
22 made during the application period in effect for the county of  
23 his residence.

24 Beginning with assessment year 2003, for taxes payable in  
25 2004, property that is first occupied as a residence after  
26 January 1 of any assessment year by a person who is eligible

1 for the senior citizens homestead exemption under this Section  
2 must be granted a pro-rata exemption for the assessment year.  
3 The amount of the pro-rata exemption is the exemption allowed  
4 in the county under this Section divided by 365 and multiplied  
5 by the number of days during the assessment year the property  
6 is occupied as a residence by a person eligible for the  
7 exemption under this Section. The chief county assessment  
8 officer must adopt reasonable procedures to establish  
9 eligibility for this pro-rata exemption.

10 The assessor or chief county assessment officer may  
11 determine the eligibility of a life care facility to receive  
12 the benefits provided by this Section, by affidavit,  
13 application, visual inspection, questionnaire or other  
14 reasonable methods in order to insure that the tax savings  
15 resulting from the exemption are credited by the management  
16 firm to the apportioned tax liability of each qualifying  
17 resident. The assessor may request reasonable proof that the  
18 management firm has so credited the exemption.

19 The chief county assessment officer of each county with  
20 less than 3,000,000 inhabitants shall provide to each person  
21 allowed a homestead exemption under this Section a form to  
22 designate any other person to receive a duplicate of any notice  
23 of delinquency in the payment of taxes assessed and levied  
24 under this Code on the property of the person receiving the  
25 exemption. The duplicate notice shall be in addition to the  
26 notice required to be provided to the person receiving the

1 exemption, and shall be given in the manner required by this  
2 Code. The person filing the request for the duplicate notice  
3 shall pay a fee of \$5 to cover administrative costs to the  
4 supervisor of assessments, who shall then file the executed  
5 designation with the county collector. Notwithstanding any  
6 other provision of this Code to the contrary, the filing of  
7 such an executed designation requires the county collector to  
8 provide duplicate notices as indicated by the designation. A  
9 designation may be rescinded by the person who executed such  
10 designation at any time, in the manner and form required by the  
11 chief county assessment officer.

12 The assessor or chief county assessment officer may  
13 determine the eligibility of residential property to receive  
14 the homestead exemption provided by this Section by  
15 application, visual inspection, questionnaire or other  
16 reasonable methods. The determination shall be made in  
17 accordance with guidelines established by the Department.

18 In counties with less than 3,000,000 inhabitants, the  
19 county board may by resolution provide that if a person has  
20 been granted a homestead exemption under this Section, the  
21 person qualifying need not reapply for the exemption.

22 In counties with less than 3,000,000 inhabitants, if the  
23 assessor or chief county assessment officer requires annual  
24 application for verification of eligibility for an exemption  
25 once granted under this Section, the application shall be  
26 mailed to the taxpayer.

1           The assessor or chief county assessment officer shall  
2 notify each person who qualifies for an exemption under this  
3 Section that the person may also qualify for deferral of real  
4 estate taxes under the Senior Citizens Real Estate Tax Deferral  
5 Act. The notice shall set forth the qualifications needed for  
6 deferral of real estate taxes, the address and telephone number  
7 of county collector, and a statement that applications for  
8 deferral of real estate taxes may be obtained from the county  
9 collector.

10           Notwithstanding Sections 6 and 8 of the State Mandates Act,  
11 no reimbursement by the State is required for the  
12 implementation of any mandate created by this Section.

13           (Source: P.A. 95-644, eff. 10-12-07; 95-876, eff. 8-21-08;  
14 96-355, eff. 1-1-10.)

15           (Text of Section after amendment by P.A. 96-339)

16           Sec. 15-170. Senior Citizens Homestead Exemption. An  
17 annual homestead exemption limited, except as described here  
18 with relation to cooperatives or life care facilities, to a  
19 maximum reduction set forth below from the property's value, as  
20 equalized or assessed by the Department, is granted for  
21 property that is occupied as a residence by a person 65 years  
22 of age or older who is liable for paying real estate taxes on  
23 the property and is an owner of record of the property or has a  
24 legal or equitable interest therein as evidenced by a written  
25 instrument, except for a leasehold interest, other than a

1 leasehold interest of land on which a single family residence  
2 is located, which is occupied as a residence by a person 65  
3 years or older who has an ownership interest therein, legal,  
4 equitable or as a lessee, and on which he or she is liable for  
5 the payment of property taxes. Before taxable year 2004, the  
6 maximum reduction shall be \$2,500 in counties with 3,000,000 or  
7 more inhabitants and \$2,000 in all other counties. For taxable  
8 years 2004 through 2005, the maximum reduction shall be \$3,000  
9 in all counties. For taxable years 2006 and 2007, the maximum  
10 reduction shall be \$3,500 and, for taxable years 2008 and  
11 thereafter, the maximum reduction is \$4,000 in all counties.

12 For land improved with an apartment building owned and  
13 operated as a cooperative, the maximum reduction from the value  
14 of the property, as equalized by the Department, shall be  
15 multiplied by the number of apartments or units occupied by a  
16 person 65 years of age or older who is liable, by contract with  
17 the owner or owners of record, for paying property taxes on the  
18 property and is an owner of record of a legal or equitable  
19 interest in the cooperative apartment building, other than a  
20 leasehold interest. For land improved with a life care  
21 facility, the maximum reduction from the value of the property,  
22 as equalized by the Department, shall be multiplied by the  
23 number of apartments or units occupied by persons 65 years of  
24 age or older, irrespective of any legal, equitable, or  
25 leasehold interest in the facility, who are liable, under a  
26 contract with the owner or owners of record of the facility,

1 for paying property taxes on the property. In a cooperative or  
2 a life care facility where a homestead exemption has been  
3 granted, the cooperative association or the management firm of  
4 the cooperative or facility shall credit the savings resulting  
5 from that exemption only to the apportioned tax liability of  
6 the owner or resident who qualified for the exemption. Any  
7 person who willfully refuses to so credit the savings shall be  
8 guilty of a Class B misdemeanor. Under this Section and  
9 Sections 15-175, 15-176, and 15-177, "life care facility" means  
10 a facility, as defined in Section 2 of the Life Care Facilities  
11 Act, with which the applicant for the homestead exemption has a  
12 life care contract as defined in that Act.

13 When a homestead exemption has been granted under this  
14 Section and the person qualifying subsequently becomes a  
15 resident of a facility licensed under the Assisted Living and  
16 Shared Housing Act, ~~or~~ the Nursing Home Care Act, ~~or~~ the MR/DD  
17 Community Care Act, the exemption shall continue so long as the  
18 residence continues to be occupied by the qualifying person's  
19 spouse if the spouse is 65 years of age or older, or if the  
20 residence remains unoccupied but is still owned by the person  
21 qualified for the homestead exemption.

22 A person who will be 65 years of age during the current  
23 assessment year shall be eligible to apply for the homestead  
24 exemption during that assessment year. Application shall be  
25 made during the application period in effect for the county of  
26 his residence.

1           Beginning with assessment year 2003, for taxes payable in  
2 2004, property that is first occupied as a residence after  
3 January 1 of any assessment year by a person who is eligible  
4 for the senior citizens homestead exemption under this Section  
5 must be granted a pro-rata exemption for the assessment year.  
6 The amount of the pro-rata exemption is the exemption allowed  
7 in the county under this Section divided by 365 and multiplied  
8 by the number of days during the assessment year the property  
9 is occupied as a residence by a person eligible for the  
10 exemption under this Section. The chief county assessment  
11 officer must adopt reasonable procedures to establish  
12 eligibility for this pro-rata exemption.

13           The assessor or chief county assessment officer may  
14 determine the eligibility of a life care facility to receive  
15 the benefits provided by this Section, by affidavit,  
16 application, visual inspection, questionnaire or other  
17 reasonable methods in order to insure that the tax savings  
18 resulting from the exemption are credited by the management  
19 firm to the apportioned tax liability of each qualifying  
20 resident. The assessor may request reasonable proof that the  
21 management firm has so credited the exemption.

22           The chief county assessment officer of each county with  
23 less than 3,000,000 inhabitants shall provide to each person  
24 allowed a homestead exemption under this Section a form to  
25 designate any other person to receive a duplicate of any notice  
26 of delinquency in the payment of taxes assessed and levied

1 under this Code on the property of the person receiving the  
2 exemption. The duplicate notice shall be in addition to the  
3 notice required to be provided to the person receiving the  
4 exemption, and shall be given in the manner required by this  
5 Code. The person filing the request for the duplicate notice  
6 shall pay a fee of \$5 to cover administrative costs to the  
7 supervisor of assessments, who shall then file the executed  
8 designation with the county collector. Notwithstanding any  
9 other provision of this Code to the contrary, the filing of  
10 such an executed designation requires the county collector to  
11 provide duplicate notices as indicated by the designation. A  
12 designation may be rescinded by the person who executed such  
13 designation at any time, in the manner and form required by the  
14 chief county assessment officer.

15 The assessor or chief county assessment officer may  
16 determine the eligibility of residential property to receive  
17 the homestead exemption provided by this Section by  
18 application, visual inspection, questionnaire or other  
19 reasonable methods. The determination shall be made in  
20 accordance with guidelines established by the Department.

21 In counties with less than 3,000,000 inhabitants, the  
22 county board may by resolution provide that if a person has  
23 been granted a homestead exemption under this Section, the  
24 person qualifying need not reapply for the exemption.

25 In counties with less than 3,000,000 inhabitants, if the  
26 assessor or chief county assessment officer requires annual

1 application for verification of eligibility for an exemption  
2 once granted under this Section, the application shall be  
3 mailed to the taxpayer.

4 The assessor or chief county assessment officer shall  
5 notify each person who qualifies for an exemption under this  
6 Section that the person may also qualify for deferral of real  
7 estate taxes under the Senior Citizens Real Estate Tax Deferral  
8 Act. The notice shall set forth the qualifications needed for  
9 deferral of real estate taxes, the address and telephone number  
10 of county collector, and a statement that applications for  
11 deferral of real estate taxes may be obtained from the county  
12 collector.

13 Notwithstanding Sections 6 and 8 of the State Mandates Act,  
14 no reimbursement by the State is required for the  
15 implementation of any mandate created by this Section.

16 (Source: P.A. 95-644, eff. 10-12-07; 95-876, eff. 8-21-08;  
17 96-339, eff. 7-1-10; 96-355, eff. 1-1-10; revised 9-25-09.)

18 (35 ILCS 200/15-172)

19 (Text of Section before amendment by P.A. 96-339)

20 Sec. 15-172. Senior Citizens Assessment Freeze Homestead  
21 Exemption.

22 (a) This Section may be cited as the Senior Citizens  
23 Assessment Freeze Homestead Exemption.

24 (b) As used in this Section:

25 "Applicant" means an individual who has filed an

1 application under this Section.

2 "Base amount" means the base year equalized assessed value  
3 of the residence plus the first year's equalized assessed value  
4 of any added improvements which increased the assessed value of  
5 the residence after the base year.

6 "Base year" means the taxable year prior to the taxable  
7 year for which the applicant first qualifies and applies for  
8 the exemption provided that in the prior taxable year the  
9 property was improved with a permanent structure that was  
10 occupied as a residence by the applicant who was liable for  
11 paying real property taxes on the property and who was either  
12 (i) an owner of record of the property or had legal or  
13 equitable interest in the property as evidenced by a written  
14 instrument or (ii) had a legal or equitable interest as a  
15 lessee in the parcel of property that was single family  
16 residence. If in any subsequent taxable year for which the  
17 applicant applies and qualifies for the exemption the equalized  
18 assessed value of the residence is less than the equalized  
19 assessed value in the existing base year (provided that such  
20 equalized assessed value is not based on an assessed value that  
21 results from a temporary irregularity in the property that  
22 reduces the assessed value for one or more taxable years), then  
23 that subsequent taxable year shall become the base year until a  
24 new base year is established under the terms of this paragraph.  
25 For taxable year 1999 only, the Chief County Assessment Officer  
26 shall review (i) all taxable years for which the applicant

1 applied and qualified for the exemption and (ii) the existing  
2 base year. The assessment officer shall select as the new base  
3 year the year with the lowest equalized assessed value. An  
4 equalized assessed value that is based on an assessed value  
5 that results from a temporary irregularity in the property that  
6 reduces the assessed value for one or more taxable years shall  
7 not be considered the lowest equalized assessed value. The  
8 selected year shall be the base year for taxable year 1999 and  
9 thereafter until a new base year is established under the terms  
10 of this paragraph.

11 "Chief County Assessment Officer" means the County  
12 Assessor or Supervisor of Assessments of the county in which  
13 the property is located.

14 "Equalized assessed value" means the assessed value as  
15 equalized by the Illinois Department of Revenue.

16 "Household" means the applicant, the spouse of the  
17 applicant, and all persons using the residence of the applicant  
18 as their principal place of residence.

19 "Household income" means the combined income of the members  
20 of a household for the calendar year preceding the taxable  
21 year.

22 "Income" has the same meaning as provided in Section 3.07  
23 of the Senior Citizens and Disabled Persons Property Tax Relief  
24 and Pharmaceutical Assistance Act, except that, beginning in  
25 assessment year 2001, "income" does not include veteran's  
26 benefits.

1 "Internal Revenue Code of 1986" means the United States  
2 Internal Revenue Code of 1986 or any successor law or laws  
3 relating to federal income taxes in effect for the year  
4 preceding the taxable year.

5 "Life care facility that qualifies as a cooperative" means  
6 a facility as defined in Section 2 of the Life Care Facilities  
7 Act.

8 "Maximum income limitation" means:

- 9 (1) \$35,000 prior to taxable year 1999;
- 10 (2) \$40,000 in taxable years 1999 through 2003;
- 11 (3) \$45,000 in taxable years 2004 through 2005;
- 12 (4) \$50,000 in taxable years 2006 and 2007; and
- 13 (5) \$55,000 in taxable year 2008 and thereafter.

14 "Residence" means the principal dwelling place and  
15 appurtenant structures used for residential purposes in this  
16 State occupied on January 1 of the taxable year by a household  
17 and so much of the surrounding land, constituting the parcel  
18 upon which the dwelling place is situated, as is used for  
19 residential purposes. If the Chief County Assessment Officer  
20 has established a specific legal description for a portion of  
21 property constituting the residence, then that portion of  
22 property shall be deemed the residence for the purposes of this  
23 Section.

24 "Taxable year" means the calendar year during which ad  
25 valorem property taxes payable in the next succeeding year are  
26 levied.

1           (c) Beginning in taxable year 1994, a senior citizens  
2 assessment freeze homestead exemption is granted for real  
3 property that is improved with a permanent structure that is  
4 occupied as a residence by an applicant who (i) is 65 years of  
5 age or older during the taxable year, (ii) has a household  
6 income that does not exceed the maximum income limitation,  
7 (iii) is liable for paying real property taxes on the property,  
8 and (iv) is an owner of record of the property or has a legal or  
9 equitable interest in the property as evidenced by a written  
10 instrument. This homestead exemption shall also apply to a  
11 leasehold interest in a parcel of property improved with a  
12 permanent structure that is a single family residence that is  
13 occupied as a residence by a person who (i) is 65 years of age  
14 or older during the taxable year, (ii) has a household income  
15 that does not exceed the maximum income limitation, (iii) has a  
16 legal or equitable ownership interest in the property as  
17 lessee, and (iv) is liable for the payment of real property  
18 taxes on that property.

19           In counties of 3,000,000 or more inhabitants, the amount of  
20 the exemption for all taxable years is the equalized assessed  
21 value of the residence in the taxable year for which  
22 application is made minus the base amount. In all other  
23 counties, the amount of the exemption is as follows: (i)  
24 through taxable year 2005 and for taxable year 2007 and  
25 thereafter, the amount of this exemption shall be the equalized  
26 assessed value of the residence in the taxable year for which

1 application is made minus the base amount; and (ii) for taxable  
2 year 2006, the amount of the exemption is as follows:

3 (1) For an applicant who has a household income of  
4 \$45,000 or less, the amount of the exemption is the  
5 equalized assessed value of the residence in the taxable  
6 year for which application is made minus the base amount.

7 (2) For an applicant who has a household income  
8 exceeding \$45,000 but not exceeding \$46,250, the amount of  
9 the exemption is (i) the equalized assessed value of the  
10 residence in the taxable year for which application is made  
11 minus the base amount (ii) multiplied by 0.8.

12 (3) For an applicant who has a household income  
13 exceeding \$46,250 but not exceeding \$47,500, the amount of  
14 the exemption is (i) the equalized assessed value of the  
15 residence in the taxable year for which application is made  
16 minus the base amount (ii) multiplied by 0.6.

17 (4) For an applicant who has a household income  
18 exceeding \$47,500 but not exceeding \$48,750, the amount of  
19 the exemption is (i) the equalized assessed value of the  
20 residence in the taxable year for which application is made  
21 minus the base amount (ii) multiplied by 0.4.

22 (5) For an applicant who has a household income  
23 exceeding \$48,750 but not exceeding \$50,000, the amount of  
24 the exemption is (i) the equalized assessed value of the  
25 residence in the taxable year for which application is made  
26 minus the base amount (ii) multiplied by 0.2.

1           When the applicant is a surviving spouse of an applicant  
2 for a prior year for the same residence for which an exemption  
3 under this Section has been granted, the base year and base  
4 amount for that residence are the same as for the applicant for  
5 the prior year.

6           Each year at the time the assessment books are certified to  
7 the County Clerk, the Board of Review or Board of Appeals shall  
8 give to the County Clerk a list of the assessed values of  
9 improvements on each parcel qualifying for this exemption that  
10 were added after the base year for this parcel and that  
11 increased the assessed value of the property.

12           In the case of land improved with an apartment building  
13 owned and operated as a cooperative or a building that is a  
14 life care facility that qualifies as a cooperative, the maximum  
15 reduction from the equalized assessed value of the property is  
16 limited to the sum of the reductions calculated for each unit  
17 occupied as a residence by a person or persons (i) 65 years of  
18 age or older, (ii) with a household income that does not exceed  
19 the maximum income limitation, (iii) who is liable, by contract  
20 with the owner or owners of record, for paying real property  
21 taxes on the property, and (iv) who is an owner of record of a  
22 legal or equitable interest in the cooperative apartment  
23 building, other than a leasehold interest. In the instance of a  
24 cooperative where a homestead exemption has been granted under  
25 this Section, the cooperative association or its management  
26 firm shall credit the savings resulting from that exemption

1 only to the apportioned tax liability of the owner who  
2 qualified for the exemption. Any person who willfully refuses  
3 to credit that savings to an owner who qualifies for the  
4 exemption is guilty of a Class B misdemeanor.

5 When a homestead exemption has been granted under this  
6 Section and an applicant then becomes a resident of a facility  
7 licensed under the Assisted Living and Shared Housing Act or  
8 the Nursing Home Care Act, the exemption shall be granted in  
9 subsequent years so long as the residence (i) continues to be  
10 occupied by the qualified applicant's spouse or (ii) if  
11 remaining unoccupied, is still owned by the qualified applicant  
12 for the homestead exemption.

13 Beginning January 1, 1997, when an individual dies who  
14 would have qualified for an exemption under this Section, and  
15 the surviving spouse does not independently qualify for this  
16 exemption because of age, the exemption under this Section  
17 shall be granted to the surviving spouse for the taxable year  
18 preceding and the taxable year of the death, provided that,  
19 except for age, the surviving spouse meets all other  
20 qualifications for the granting of this exemption for those  
21 years.

22 When married persons maintain separate residences, the  
23 exemption provided for in this Section may be claimed by only  
24 one of such persons and for only one residence.

25 For taxable year 1994 only, in counties having less than  
26 3,000,000 inhabitants, to receive the exemption, a person shall

1 submit an application by February 15, 1995 to the Chief County  
2 Assessment Officer of the county in which the property is  
3 located. In counties having 3,000,000 or more inhabitants, for  
4 taxable year 1994 and all subsequent taxable years, to receive  
5 the exemption, a person may submit an application to the Chief  
6 County Assessment Officer of the county in which the property  
7 is located during such period as may be specified by the Chief  
8 County Assessment Officer. The Chief County Assessment Officer  
9 in counties of 3,000,000 or more inhabitants shall annually  
10 give notice of the application period by mail or by  
11 publication. In counties having less than 3,000,000  
12 inhabitants, beginning with taxable year 1995 and thereafter,  
13 to receive the exemption, a person shall submit an application  
14 by July 1 of each taxable year to the Chief County Assessment  
15 Officer of the county in which the property is located. A  
16 county may, by ordinance, establish a date for submission of  
17 applications that is different than July 1. The applicant shall  
18 submit with the application an affidavit of the applicant's  
19 total household income, age, marital status (and if married the  
20 name and address of the applicant's spouse, if known), and  
21 principal dwelling place of members of the household on January  
22 1 of the taxable year. The Department shall establish, by rule,  
23 a method for verifying the accuracy of affidavits filed by  
24 applicants under this Section, and the Chief County Assessment  
25 Officer may conduct audits of any taxpayer claiming an  
26 exemption under this Section to verify that the taxpayer is

1 eligible to receive the exemption. Each application shall  
2 contain or be verified by a written declaration that it is made  
3 under the penalties of perjury. A taxpayer's signing a  
4 fraudulent application under this Act is perjury, as defined in  
5 Section 32-2 of the Criminal Code of 1961. The applications  
6 shall be clearly marked as applications for the Senior Citizens  
7 Assessment Freeze Homestead Exemption and must contain a notice  
8 that any taxpayer who receives the exemption is subject to an  
9 audit by the Chief County Assessment Officer.

10 Notwithstanding any other provision to the contrary, in  
11 counties having fewer than 3,000,000 inhabitants, if an  
12 applicant fails to file the application required by this  
13 Section in a timely manner and this failure to file is due to a  
14 mental or physical condition sufficiently severe so as to  
15 render the applicant incapable of filing the application in a  
16 timely manner, the Chief County Assessment Officer may extend  
17 the filing deadline for a period of 30 days after the applicant  
18 regains the capability to file the application, but in no case  
19 may the filing deadline be extended beyond 3 months of the  
20 original filing deadline. In order to receive the extension  
21 provided in this paragraph, the applicant shall provide the  
22 Chief County Assessment Officer with a signed statement from  
23 the applicant's physician stating the nature and extent of the  
24 condition, that, in the physician's opinion, the condition was  
25 so severe that it rendered the applicant incapable of filing  
26 the application in a timely manner, and the date on which the

1 applicant regained the capability to file the application.

2 Beginning January 1, 1998, notwithstanding any other  
3 provision to the contrary, in counties having fewer than  
4 3,000,000 inhabitants, if an applicant fails to file the  
5 application required by this Section in a timely manner and  
6 this failure to file is due to a mental or physical condition  
7 sufficiently severe so as to render the applicant incapable of  
8 filing the application in a timely manner, the Chief County  
9 Assessment Officer may extend the filing deadline for a period  
10 of 3 months. In order to receive the extension provided in this  
11 paragraph, the applicant shall provide the Chief County  
12 Assessment Officer with a signed statement from the applicant's  
13 physician stating the nature and extent of the condition, and  
14 that, in the physician's opinion, the condition was so severe  
15 that it rendered the applicant incapable of filing the  
16 application in a timely manner.

17 In counties having less than 3,000,000 inhabitants, if an  
18 applicant was denied an exemption in taxable year 1994 and the  
19 denial occurred due to an error on the part of an assessment  
20 official, or his or her agent or employee, then beginning in  
21 taxable year 1997 the applicant's base year, for purposes of  
22 determining the amount of the exemption, shall be 1993 rather  
23 than 1994. In addition, in taxable year 1997, the applicant's  
24 exemption shall also include an amount equal to (i) the amount  
25 of any exemption denied to the applicant in taxable year 1995  
26 as a result of using 1994, rather than 1993, as the base year,

1 (ii) the amount of any exemption denied to the applicant in  
2 taxable year 1996 as a result of using 1994, rather than 1993,  
3 as the base year, and (iii) the amount of the exemption  
4 erroneously denied for taxable year 1994.

5 For purposes of this Section, a person who will be 65 years  
6 of age during the current taxable year shall be eligible to  
7 apply for the homestead exemption during that taxable year.  
8 Application shall be made during the application period in  
9 effect for the county of his or her residence.

10 The Chief County Assessment Officer may determine the  
11 eligibility of a life care facility that qualifies as a  
12 cooperative to receive the benefits provided by this Section by  
13 use of an affidavit, application, visual inspection,  
14 questionnaire, or other reasonable method in order to insure  
15 that the tax savings resulting from the exemption are credited  
16 by the management firm to the apportioned tax liability of each  
17 qualifying resident. The Chief County Assessment Officer may  
18 request reasonable proof that the management firm has so  
19 credited that exemption.

20 Except as provided in this Section, all information  
21 received by the chief county assessment officer or the  
22 Department from applications filed under this Section, or from  
23 any investigation conducted under the provisions of this  
24 Section, shall be confidential, except for official purposes or  
25 pursuant to official procedures for collection of any State or  
26 local tax or enforcement of any civil or criminal penalty or

1 sanction imposed by this Act or by any statute or ordinance  
2 imposing a State or local tax. Any person who divulges any such  
3 information in any manner, except in accordance with a proper  
4 judicial order, is guilty of a Class A misdemeanor.

5 Nothing contained in this Section shall prevent the  
6 Director or chief county assessment officer from publishing or  
7 making available reasonable statistics concerning the  
8 operation of the exemption contained in this Section in which  
9 the contents of claims are grouped into aggregates in such a  
10 way that information contained in any individual claim shall  
11 not be disclosed.

12 (d) Each Chief County Assessment Officer shall annually  
13 publish a notice of availability of the exemption provided  
14 under this Section. The notice shall be published at least 60  
15 days but no more than 75 days prior to the date on which the  
16 application must be submitted to the Chief County Assessment  
17 Officer of the county in which the property is located. The  
18 notice shall appear in a newspaper of general circulation in  
19 the county.

20 Notwithstanding Sections 6 and 8 of the State Mandates Act,  
21 no reimbursement by the State is required for the  
22 implementation of any mandate created by this Section.

23 (Source: P.A. 95-644, eff. 10-12-07; 96-355, eff. 1-1-10.)

24 (Text of Section after amendment by P.A. 96-339)

25 Sec. 15-172. Senior Citizens Assessment Freeze Homestead

1 Exemption.

2 (a) This Section may be cited as the Senior Citizens  
3 Assessment Freeze Homestead Exemption.

4 (b) As used in this Section:

5 "Applicant" means an individual who has filed an  
6 application under this Section.

7 "Base amount" means the base year equalized assessed value  
8 of the residence plus the first year's equalized assessed value  
9 of any added improvements which increased the assessed value of  
10 the residence after the base year.

11 "Base year" means the taxable year prior to the taxable  
12 year for which the applicant first qualifies and applies for  
13 the exemption provided that in the prior taxable year the  
14 property was improved with a permanent structure that was  
15 occupied as a residence by the applicant who was liable for  
16 paying real property taxes on the property and who was either  
17 (i) an owner of record of the property or had legal or  
18 equitable interest in the property as evidenced by a written  
19 instrument or (ii) had a legal or equitable interest as a  
20 lessee in the parcel of property that was single family  
21 residence. If in any subsequent taxable year for which the  
22 applicant applies and qualifies for the exemption the equalized  
23 assessed value of the residence is less than the equalized  
24 assessed value in the existing base year (provided that such  
25 equalized assessed value is not based on an assessed value that  
26 results from a temporary irregularity in the property that

1 reduces the assessed value for one or more taxable years), then  
2 that subsequent taxable year shall become the base year until a  
3 new base year is established under the terms of this paragraph.  
4 For taxable year 1999 only, the Chief County Assessment Officer  
5 shall review (i) all taxable years for which the applicant  
6 applied and qualified for the exemption and (ii) the existing  
7 base year. The assessment officer shall select as the new base  
8 year the year with the lowest equalized assessed value. An  
9 equalized assessed value that is based on an assessed value  
10 that results from a temporary irregularity in the property that  
11 reduces the assessed value for one or more taxable years shall  
12 not be considered the lowest equalized assessed value. The  
13 selected year shall be the base year for taxable year 1999 and  
14 thereafter until a new base year is established under the terms  
15 of this paragraph.

16 "Chief County Assessment Officer" means the County  
17 Assessor or Supervisor of Assessments of the county in which  
18 the property is located.

19 "Equalized assessed value" means the assessed value as  
20 equalized by the Illinois Department of Revenue.

21 "Household" means the applicant, the spouse of the  
22 applicant, and all persons using the residence of the applicant  
23 as their principal place of residence.

24 "Household income" means the combined income of the members  
25 of a household for the calendar year preceding the taxable  
26 year.

1 "Income" has the same meaning as provided in Section 3.07  
2 of the Senior Citizens and Disabled Persons Property Tax Relief  
3 and Pharmaceutical Assistance Act, except that, beginning in  
4 assessment year 2001, "income" does not include veteran's  
5 benefits.

6 "Internal Revenue Code of 1986" means the United States  
7 Internal Revenue Code of 1986 or any successor law or laws  
8 relating to federal income taxes in effect for the year  
9 preceding the taxable year.

10 "Life care facility that qualifies as a cooperative" means  
11 a facility as defined in Section 2 of the Life Care Facilities  
12 Act.

13 "Maximum income limitation" means:

- 14 (1) \$35,000 prior to taxable year 1999;
- 15 (2) \$40,000 in taxable years 1999 through 2003;
- 16 (3) \$45,000 in taxable years 2004 through 2005;
- 17 (4) \$50,000 in taxable years 2006 and 2007; and
- 18 (5) \$55,000 in taxable year 2008 and thereafter.

19 "Residence" means the principal dwelling place and  
20 appurtenant structures used for residential purposes in this  
21 State occupied on January 1 of the taxable year by a household  
22 and so much of the surrounding land, constituting the parcel  
23 upon which the dwelling place is situated, as is used for  
24 residential purposes. If the Chief County Assessment Officer  
25 has established a specific legal description for a portion of  
26 property constituting the residence, then that portion of

1 property shall be deemed the residence for the purposes of this  
2 Section.

3 "Taxable year" means the calendar year during which ad  
4 valorem property taxes payable in the next succeeding year are  
5 levied.

6 (c) Beginning in taxable year 1994, a senior citizens  
7 assessment freeze homestead exemption is granted for real  
8 property that is improved with a permanent structure that is  
9 occupied as a residence by an applicant who (i) is 65 years of  
10 age or older during the taxable year, (ii) has a household  
11 income that does not exceed the maximum income limitation,  
12 (iii) is liable for paying real property taxes on the property,  
13 and (iv) is an owner of record of the property or has a legal or  
14 equitable interest in the property as evidenced by a written  
15 instrument. This homestead exemption shall also apply to a  
16 leasehold interest in a parcel of property improved with a  
17 permanent structure that is a single family residence that is  
18 occupied as a residence by a person who (i) is 65 years of age  
19 or older during the taxable year, (ii) has a household income  
20 that does not exceed the maximum income limitation, (iii) has a  
21 legal or equitable ownership interest in the property as  
22 lessee, and (iv) is liable for the payment of real property  
23 taxes on that property.

24 In counties of 3,000,000 or more inhabitants, the amount of  
25 the exemption for all taxable years is the equalized assessed  
26 value of the residence in the taxable year for which

1 application is made minus the base amount. In all other  
2 counties, the amount of the exemption is as follows: (i)  
3 through taxable year 2005 and for taxable year 2007 and  
4 thereafter, the amount of this exemption shall be the equalized  
5 assessed value of the residence in the taxable year for which  
6 application is made minus the base amount; and (ii) for taxable  
7 year 2006, the amount of the exemption is as follows:

8 (1) For an applicant who has a household income of  
9 \$45,000 or less, the amount of the exemption is the  
10 equalized assessed value of the residence in the taxable  
11 year for which application is made minus the base amount.

12 (2) For an applicant who has a household income  
13 exceeding \$45,000 but not exceeding \$46,250, the amount of  
14 the exemption is (i) the equalized assessed value of the  
15 residence in the taxable year for which application is made  
16 minus the base amount (ii) multiplied by 0.8.

17 (3) For an applicant who has a household income  
18 exceeding \$46,250 but not exceeding \$47,500, the amount of  
19 the exemption is (i) the equalized assessed value of the  
20 residence in the taxable year for which application is made  
21 minus the base amount (ii) multiplied by 0.6.

22 (4) For an applicant who has a household income  
23 exceeding \$47,500 but not exceeding \$48,750, the amount of  
24 the exemption is (i) the equalized assessed value of the  
25 residence in the taxable year for which application is made  
26 minus the base amount (ii) multiplied by 0.4.

1           (5) For an applicant who has a household income  
2           exceeding \$48,750 but not exceeding \$50,000, the amount of  
3           the exemption is (i) the equalized assessed value of the  
4           residence in the taxable year for which application is made  
5           minus the base amount (ii) multiplied by 0.2.

6           When the applicant is a surviving spouse of an applicant  
7           for a prior year for the same residence for which an exemption  
8           under this Section has been granted, the base year and base  
9           amount for that residence are the same as for the applicant for  
10          the prior year.

11          Each year at the time the assessment books are certified to  
12          the County Clerk, the Board of Review or Board of Appeals shall  
13          give to the County Clerk a list of the assessed values of  
14          improvements on each parcel qualifying for this exemption that  
15          were added after the base year for this parcel and that  
16          increased the assessed value of the property.

17          In the case of land improved with an apartment building  
18          owned and operated as a cooperative or a building that is a  
19          life care facility that qualifies as a cooperative, the maximum  
20          reduction from the equalized assessed value of the property is  
21          limited to the sum of the reductions calculated for each unit  
22          occupied as a residence by a person or persons (i) 65 years of  
23          age or older, (ii) with a household income that does not exceed  
24          the maximum income limitation, (iii) who is liable, by contract  
25          with the owner or owners of record, for paying real property  
26          taxes on the property, and (iv) who is an owner of record of a

1 legal or equitable interest in the cooperative apartment  
2 building, other than a leasehold interest. In the instance of a  
3 cooperative where a homestead exemption has been granted under  
4 this Section, the cooperative association or its management  
5 firm shall credit the savings resulting from that exemption  
6 only to the apportioned tax liability of the owner who  
7 qualified for the exemption. Any person who willfully refuses  
8 to credit that savings to an owner who qualifies for the  
9 exemption is guilty of a Class B misdemeanor.

10 When a homestead exemption has been granted under this  
11 Section and an applicant then becomes a resident of a facility  
12 licensed under the Assisted Living and Shared Housing Act, ~~or~~  
13 the Nursing Home Care Act, or the MR/DD Community Care Act, the  
14 exemption shall be granted in subsequent years so long as the  
15 residence (i) continues to be occupied by the qualified  
16 applicant's spouse or (ii) if remaining unoccupied, is still  
17 owned by the qualified applicant for the homestead exemption.

18 Beginning January 1, 1997, when an individual dies who  
19 would have qualified for an exemption under this Section, and  
20 the surviving spouse does not independently qualify for this  
21 exemption because of age, the exemption under this Section  
22 shall be granted to the surviving spouse for the taxable year  
23 preceding and the taxable year of the death, provided that,  
24 except for age, the surviving spouse meets all other  
25 qualifications for the granting of this exemption for those  
26 years.

1           When married persons maintain separate residences, the  
2 exemption provided for in this Section may be claimed by only  
3 one of such persons and for only one residence.

4           For taxable year 1994 only, in counties having less than  
5 3,000,000 inhabitants, to receive the exemption, a person shall  
6 submit an application by February 15, 1995 to the Chief County  
7 Assessment Officer of the county in which the property is  
8 located. In counties having 3,000,000 or more inhabitants, for  
9 taxable year 1994 and all subsequent taxable years, to receive  
10 the exemption, a person may submit an application to the Chief  
11 County Assessment Officer of the county in which the property  
12 is located during such period as may be specified by the Chief  
13 County Assessment Officer. The Chief County Assessment Officer  
14 in counties of 3,000,000 or more inhabitants shall annually  
15 give notice of the application period by mail or by  
16 publication. In counties having less than 3,000,000  
17 inhabitants, beginning with taxable year 1995 and thereafter,  
18 to receive the exemption, a person shall submit an application  
19 by July 1 of each taxable year to the Chief County Assessment  
20 Officer of the county in which the property is located. A  
21 county may, by ordinance, establish a date for submission of  
22 applications that is different than July 1. The applicant shall  
23 submit with the application an affidavit of the applicant's  
24 total household income, age, marital status (and if married the  
25 name and address of the applicant's spouse, if known), and  
26 principal dwelling place of members of the household on January

1 of the taxable year. The Department shall establish, by rule,  
2 a method for verifying the accuracy of affidavits filed by  
3 applicants under this Section, and the Chief County Assessment  
4 Officer may conduct audits of any taxpayer claiming an  
5 exemption under this Section to verify that the taxpayer is  
6 eligible to receive the exemption. Each application shall  
7 contain or be verified by a written declaration that it is made  
8 under the penalties of perjury. A taxpayer's signing a  
9 fraudulent application under this Act is perjury, as defined in  
10 Section 32-2 of the Criminal Code of 1961. The applications  
11 shall be clearly marked as applications for the Senior Citizens  
12 Assessment Freeze Homestead Exemption and must contain a notice  
13 that any taxpayer who receives the exemption is subject to an  
14 audit by the Chief County Assessment Officer.

15 Notwithstanding any other provision to the contrary, in  
16 counties having fewer than 3,000,000 inhabitants, if an  
17 applicant fails to file the application required by this  
18 Section in a timely manner and this failure to file is due to a  
19 mental or physical condition sufficiently severe so as to  
20 render the applicant incapable of filing the application in a  
21 timely manner, the Chief County Assessment Officer may extend  
22 the filing deadline for a period of 30 days after the applicant  
23 regains the capability to file the application, but in no case  
24 may the filing deadline be extended beyond 3 months of the  
25 original filing deadline. In order to receive the extension  
26 provided in this paragraph, the applicant shall provide the

1 Chief County Assessment Officer with a signed statement from  
2 the applicant's physician stating the nature and extent of the  
3 condition, that, in the physician's opinion, the condition was  
4 so severe that it rendered the applicant incapable of filing  
5 the application in a timely manner, and the date on which the  
6 applicant regained the capability to file the application.

7 Beginning January 1, 1998, notwithstanding any other  
8 provision to the contrary, in counties having fewer than  
9 3,000,000 inhabitants, if an applicant fails to file the  
10 application required by this Section in a timely manner and  
11 this failure to file is due to a mental or physical condition  
12 sufficiently severe so as to render the applicant incapable of  
13 filing the application in a timely manner, the Chief County  
14 Assessment Officer may extend the filing deadline for a period  
15 of 3 months. In order to receive the extension provided in this  
16 paragraph, the applicant shall provide the Chief County  
17 Assessment Officer with a signed statement from the applicant's  
18 physician stating the nature and extent of the condition, and  
19 that, in the physician's opinion, the condition was so severe  
20 that it rendered the applicant incapable of filing the  
21 application in a timely manner.

22 In counties having less than 3,000,000 inhabitants, if an  
23 applicant was denied an exemption in taxable year 1994 and the  
24 denial occurred due to an error on the part of an assessment  
25 official, or his or her agent or employee, then beginning in  
26 taxable year 1997 the applicant's base year, for purposes of

1 determining the amount of the exemption, shall be 1993 rather  
2 than 1994. In addition, in taxable year 1997, the applicant's  
3 exemption shall also include an amount equal to (i) the amount  
4 of any exemption denied to the applicant in taxable year 1995  
5 as a result of using 1994, rather than 1993, as the base year,  
6 (ii) the amount of any exemption denied to the applicant in  
7 taxable year 1996 as a result of using 1994, rather than 1993,  
8 as the base year, and (iii) the amount of the exemption  
9 erroneously denied for taxable year 1994.

10 For purposes of this Section, a person who will be 65 years  
11 of age during the current taxable year shall be eligible to  
12 apply for the homestead exemption during that taxable year.  
13 Application shall be made during the application period in  
14 effect for the county of his or her residence.

15 The Chief County Assessment Officer may determine the  
16 eligibility of a life care facility that qualifies as a  
17 cooperative to receive the benefits provided by this Section by  
18 use of an affidavit, application, visual inspection,  
19 questionnaire, or other reasonable method in order to insure  
20 that the tax savings resulting from the exemption are credited  
21 by the management firm to the apportioned tax liability of each  
22 qualifying resident. The Chief County Assessment Officer may  
23 request reasonable proof that the management firm has so  
24 credited that exemption.

25 Except as provided in this Section, all information  
26 received by the chief county assessment officer or the

1 Department from applications filed under this Section, or from  
2 any investigation conducted under the provisions of this  
3 Section, shall be confidential, except for official purposes or  
4 pursuant to official procedures for collection of any State or  
5 local tax or enforcement of any civil or criminal penalty or  
6 sanction imposed by this Act or by any statute or ordinance  
7 imposing a State or local tax. Any person who divulges any such  
8 information in any manner, except in accordance with a proper  
9 judicial order, is guilty of a Class A misdemeanor.

10 Nothing contained in this Section shall prevent the  
11 Director or chief county assessment officer from publishing or  
12 making available reasonable statistics concerning the  
13 operation of the exemption contained in this Section in which  
14 the contents of claims are grouped into aggregates in such a  
15 way that information contained in any individual claim shall  
16 not be disclosed.

17 (d) Each Chief County Assessment Officer shall annually  
18 publish a notice of availability of the exemption provided  
19 under this Section. The notice shall be published at least 60  
20 days but no more than 75 days prior to the date on which the  
21 application must be submitted to the Chief County Assessment  
22 Officer of the county in which the property is located. The  
23 notice shall appear in a newspaper of general circulation in  
24 the county.

25 Notwithstanding Sections 6 and 8 of the State Mandates Act,  
26 no reimbursement by the State is required for the

1 implementation of any mandate created by this Section.

2 (Source: P.A. 95-644, eff. 10-12-07; 96-339, eff. 7-1-10;  
3 96-355, eff. 1-1-10; revised 9-25-09)

4 (35 ILCS 200/18-185)

5 Sec. 18-185. Short title; definitions. This Division 5 may  
6 be cited as the Property Tax Extension Limitation Law. As used  
7 in this Division 5:

8 "Consumer Price Index" means the Consumer Price Index for  
9 All Urban Consumers for all items published by the United  
10 States Department of Labor.

11 "Extension limitation" means (a) the lesser of 5% or the  
12 percentage increase in the Consumer Price Index during the  
13 12-month calendar year preceding the levy year or (b) the rate  
14 of increase approved by voters under Section 18-205.

15 "Affected county" means a county of 3,000,000 or more  
16 inhabitants or a county contiguous to a county of 3,000,000 or  
17 more inhabitants.

18 "Taxing district" has the same meaning provided in Section  
19 1-150, except as otherwise provided in this Section. For the  
20 1991 through 1994 levy years only, "taxing district" includes  
21 only each non-home rule taxing district having the majority of  
22 its 1990 equalized assessed value within any county or counties  
23 contiguous to a county with 3,000,000 or more inhabitants.  
24 Beginning with the 1995 levy year, "taxing district" includes  
25 only each non-home rule taxing district subject to this Law

1 before the 1995 levy year and each non-home rule taxing  
2 district not subject to this Law before the 1995 levy year  
3 having the majority of its 1994 equalized assessed value in an  
4 affected county or counties. Beginning with the levy year in  
5 which this Law becomes applicable to a taxing district as  
6 provided in Section 18-213, "taxing district" also includes  
7 those taxing districts made subject to this Law as provided in  
8 Section 18-213.

9 "Aggregate extension" for taxing districts to which this  
10 Law applied before the 1995 levy year means the annual  
11 corporate extension for the taxing district and those special  
12 purpose extensions that are made annually for the taxing  
13 district, excluding special purpose extensions: (a) made for  
14 the taxing district to pay interest or principal on general  
15 obligation bonds that were approved by referendum; (b) made for  
16 any taxing district to pay interest or principal on general  
17 obligation bonds issued before October 1, 1991; (c) made for  
18 any taxing district to pay interest or principal on bonds  
19 issued to refund or continue to refund those bonds issued  
20 before October 1, 1991; (d) made for any taxing district to pay  
21 interest or principal on bonds issued to refund or continue to  
22 refund bonds issued after October 1, 1991 that were approved by  
23 referendum; (e) made for any taxing district to pay interest or  
24 principal on revenue bonds issued before October 1, 1991 for  
25 payment of which a property tax levy or the full faith and  
26 credit of the unit of local government is pledged; however, a

1 tax for the payment of interest or principal on those bonds  
2 shall be made only after the governing body of the unit of  
3 local government finds that all other sources for payment are  
4 insufficient to make those payments; (f) made for payments  
5 under a building commission lease when the lease payments are  
6 for the retirement of bonds issued by the commission before  
7 October 1, 1991, to pay for the building project; (g) made for  
8 payments due under installment contracts entered into before  
9 October 1, 1991; (h) made for payments of principal and  
10 interest on bonds issued under the Metropolitan Water  
11 Reclamation District Act to finance construction projects  
12 initiated before October 1, 1991; (i) made for payments of  
13 principal and interest on limited bonds, as defined in Section  
14 3 of the Local Government Debt Reform Act, in an amount not to  
15 exceed the debt service extension base less the amount in items  
16 (b), (c), (e), and (h) of this definition for non-referendum  
17 obligations, except obligations initially issued pursuant to  
18 referendum; (j) made for payments of principal and interest on  
19 bonds issued under Section 15 of the Local Government Debt  
20 Reform Act; (k) made by a school district that participates in  
21 the Special Education District of Lake County, created by  
22 special education joint agreement under Section 10-22.31 of the  
23 School Code, for payment of the school district's share of the  
24 amounts required to be contributed by the Special Education  
25 District of Lake County to the Illinois Municipal Retirement  
26 Fund under Article 7 of the Illinois Pension Code; the amount

1 of any extension under this item (k) shall be certified by the  
2 school district to the county clerk; (l) made to fund expenses  
3 of providing joint recreational programs for the handicapped  
4 under Section 5-8 of the Park District Code or Section 11-95-14  
5 of the Illinois Municipal Code; (m) made for temporary  
6 relocation loan repayment purposes pursuant to Sections 2-3.77  
7 and 17-2.2d of the School Code; (n) made for payment of  
8 principal and interest on any bonds issued under the authority  
9 of Section 17-2.2d of the School Code; and (o) made for  
10 contributions to a firefighter's pension fund created under  
11 Article 4 of the Illinois Pension Code, to the extent of the  
12 amount certified under item (5) of Section 4-134 of the  
13 Illinois Pension Code.

14 "Aggregate extension" for the taxing districts to which  
15 this Law did not apply before the 1995 levy year (except taxing  
16 districts subject to this Law in accordance with Section  
17 18-213) means the annual corporate extension for the taxing  
18 district and those special purpose extensions that are made  
19 annually for the taxing district, excluding special purpose  
20 extensions: (a) made for the taxing district to pay interest or  
21 principal on general obligation bonds that were approved by  
22 referendum; (b) made for any taxing district to pay interest or  
23 principal on general obligation bonds issued before March 1,  
24 1995; (c) made for any taxing district to pay interest or  
25 principal on bonds issued to refund or continue to refund those  
26 bonds issued before March 1, 1995; (d) made for any taxing

1 district to pay interest or principal on bonds issued to refund  
2 or continue to refund bonds issued after March 1, 1995 that  
3 were approved by referendum; (e) made for any taxing district  
4 to pay interest or principal on revenue bonds issued before  
5 March 1, 1995 for payment of which a property tax levy or the  
6 full faith and credit of the unit of local government is  
7 pledged; however, a tax for the payment of interest or  
8 principal on those bonds shall be made only after the governing  
9 body of the unit of local government finds that all other  
10 sources for payment are insufficient to make those payments;  
11 (f) made for payments under a building commission lease when  
12 the lease payments are for the retirement of bonds issued by  
13 the commission before March 1, 1995 to pay for the building  
14 project; (g) made for payments due under installment contracts  
15 entered into before March 1, 1995; (h) made for payments of  
16 principal and interest on bonds issued under the Metropolitan  
17 Water Reclamation District Act to finance construction  
18 projects initiated before October 1, 1991; (h-4) made for  
19 stormwater management purposes by the Metropolitan Water  
20 Reclamation District of Greater Chicago under Section 12 of the  
21 Metropolitan Water Reclamation District Act; (i) made for  
22 payments of principal and interest on limited bonds, as defined  
23 in Section 3 of the Local Government Debt Reform Act, in an  
24 amount not to exceed the debt service extension base less the  
25 amount in items (b), (c), and (e) of this definition for  
26 non-referendum obligations, except obligations initially

1 issued pursuant to referendum and bonds described in subsection  
2 (h) of this definition; (j) made for payments of principal and  
3 interest on bonds issued under Section 15 of the Local  
4 Government Debt Reform Act; (k) made for payments of principal  
5 and interest on bonds authorized by Public Act 88-503 and  
6 issued under Section 20a of the Chicago Park District Act for  
7 aquarium or museum projects; (l) made for payments of principal  
8 and interest on bonds authorized by Public Act 87-1191 or  
9 93-601 and (i) issued pursuant to Section 21.2 of the Cook  
10 County Forest Preserve District Act, (ii) issued under Section  
11 42 of the Cook County Forest Preserve District Act for  
12 zoological park projects, or (iii) issued under Section 44.1 of  
13 the Cook County Forest Preserve District Act for botanical  
14 gardens projects; (m) made pursuant to Section 34-53.5 of the  
15 School Code, whether levied annually or not; (n) made to fund  
16 expenses of providing joint recreational programs for the  
17 handicapped under Section 5-8 of the Park District Code or  
18 Section 11-95-14 of the Illinois Municipal Code; (o) made by  
19 the Chicago Park District for recreational programs for the  
20 handicapped under subsection (c) of Section 7.06 of the Chicago  
21 Park District Act; (p) made for contributions to a  
22 firefighter's pension fund created under Article 4 of the  
23 Illinois Pension Code, to the extent of the amount certified  
24 under item (5) of Section 4-134 of the Illinois Pension Code;  
25 and (q) made by Ford Heights School District 169 under Section  
26 17-9.02 of the School Code.

1 "Aggregate extension" for all taxing districts to which  
2 this Law applies in accordance with Section 18-213, except for  
3 those taxing districts subject to paragraph (2) of subsection  
4 (e) of Section 18-213, means the annual corporate extension for  
5 the taxing district and those special purpose extensions that  
6 are made annually for the taxing district, excluding special  
7 purpose extensions: (a) made for the taxing district to pay  
8 interest or principal on general obligation bonds that were  
9 approved by referendum; (b) made for any taxing district to pay  
10 interest or principal on general obligation bonds issued before  
11 the date on which the referendum making this Law applicable to  
12 the taxing district is held; (c) made for any taxing district  
13 to pay interest or principal on bonds issued to refund or  
14 continue to refund those bonds issued before the date on which  
15 the referendum making this Law applicable to the taxing  
16 district is held; (d) made for any taxing district to pay  
17 interest or principal on bonds issued to refund or continue to  
18 refund bonds issued after the date on which the referendum  
19 making this Law applicable to the taxing district is held if  
20 the bonds were approved by referendum after the date on which  
21 the referendum making this Law applicable to the taxing  
22 district is held; (e) made for any taxing district to pay  
23 interest or principal on revenue bonds issued before the date  
24 on which the referendum making this Law applicable to the  
25 taxing district is held for payment of which a property tax  
26 levy or the full faith and credit of the unit of local

1 government is pledged; however, a tax for the payment of  
2 interest or principal on those bonds shall be made only after  
3 the governing body of the unit of local government finds that  
4 all other sources for payment are insufficient to make those  
5 payments; (f) made for payments under a building commission  
6 lease when the lease payments are for the retirement of bonds  
7 issued by the commission before the date on which the  
8 referendum making this Law applicable to the taxing district is  
9 held to pay for the building project; (g) made for payments due  
10 under installment contracts entered into before the date on  
11 which the referendum making this Law applicable to the taxing  
12 district is held; (h) made for payments of principal and  
13 interest on limited bonds, as defined in Section 3 of the Local  
14 Government Debt Reform Act, in an amount not to exceed the debt  
15 service extension base less the amount in items (b), (c), and  
16 (e) of this definition for non-referendum obligations, except  
17 obligations initially issued pursuant to referendum; (i) made  
18 for payments of principal and interest on bonds issued under  
19 Section 15 of the Local Government Debt Reform Act; (j) made  
20 for a qualified airport authority to pay interest or principal  
21 on general obligation bonds issued for the purpose of paying  
22 obligations due under, or financing airport facilities  
23 required to be acquired, constructed, installed or equipped  
24 pursuant to, contracts entered into before March 1, 1996 (but  
25 not including any amendments to such a contract taking effect  
26 on or after that date); (k) made to fund expenses of providing

1 joint recreational programs for the handicapped under Section  
2 5-8 of the Park District Code or Section 11-95-14 of the  
3 Illinois Municipal Code; (l) made for contributions to a  
4 firefighter's pension fund created under Article 4 of the  
5 Illinois Pension Code, to the extent of the amount certified  
6 under item (5) of Section 4-134 of the Illinois Pension Code;  
7 and (m) made for the taxing district to pay interest or  
8 principal on general obligation bonds issued pursuant to  
9 Section 19-3.10 of the School Code.

10 "Aggregate extension" for all taxing districts to which  
11 this Law applies in accordance with paragraph (2) of subsection  
12 (e) of Section 18-213 means the annual corporate extension for  
13 the taxing district and those special purpose extensions that  
14 are made annually for the taxing district, excluding special  
15 purpose extensions: (a) made for the taxing district to pay  
16 interest or principal on general obligation bonds that were  
17 approved by referendum; (b) made for any taxing district to pay  
18 interest or principal on general obligation bonds issued before  
19 the effective date of this amendatory Act of 1997; (c) made for  
20 any taxing district to pay interest or principal on bonds  
21 issued to refund or continue to refund those bonds issued  
22 before the effective date of this amendatory Act of 1997; (d)  
23 made for any taxing district to pay interest or principal on  
24 bonds issued to refund or continue to refund bonds issued after  
25 the effective date of this amendatory Act of 1997 if the bonds  
26 were approved by referendum after the effective date of this

1 amendatory Act of 1997; (e) made for any taxing district to pay  
2 interest or principal on revenue bonds issued before the  
3 effective date of this amendatory Act of 1997 for payment of  
4 which a property tax levy or the full faith and credit of the  
5 unit of local government is pledged; however, a tax for the  
6 payment of interest or principal on those bonds shall be made  
7 only after the governing body of the unit of local government  
8 finds that all other sources for payment are insufficient to  
9 make those payments; (f) made for payments under a building  
10 commission lease when the lease payments are for the retirement  
11 of bonds issued by the commission before the effective date of  
12 this amendatory Act of 1997 to pay for the building project;  
13 (g) made for payments due under installment contracts entered  
14 into before the effective date of this amendatory Act of 1997;  
15 (h) made for payments of principal and interest on limited  
16 bonds, as defined in Section 3 of the Local Government Debt  
17 Reform Act, in an amount not to exceed the debt service  
18 extension base less the amount in items (b), (c), and (e) of  
19 this definition for non-referendum obligations, except  
20 obligations initially issued pursuant to referendum; (i) made  
21 for payments of principal and interest on bonds issued under  
22 Section 15 of the Local Government Debt Reform Act; (j) made  
23 for a qualified airport authority to pay interest or principal  
24 on general obligation bonds issued for the purpose of paying  
25 obligations due under, or financing airport facilities  
26 required to be acquired, constructed, installed or equipped

1 pursuant to, contracts entered into before March 1, 1996 (but  
2 not including any amendments to such a contract taking effect  
3 on or after that date); (k) made to fund expenses of providing  
4 joint recreational programs for the handicapped under Section  
5 5-8 of the Park District Code or Section 11-95-14 of the  
6 Illinois Municipal Code; and (l) made for contributions to a  
7 firefighter's pension fund created under Article 4 of the  
8 Illinois Pension Code, to the extent of the amount certified  
9 under item (5) of Section 4-134 of the Illinois Pension Code.

10 "Debt service extension base" means an amount equal to that  
11 portion of the extension for a taxing district for the 1994  
12 levy year, or for those taxing districts subject to this Law in  
13 accordance with Section 18-213, except for those subject to  
14 paragraph (2) of subsection (e) of Section 18-213, for the levy  
15 year in which the referendum making this Law applicable to the  
16 taxing district is held, or for those taxing districts subject  
17 to this Law in accordance with paragraph (2) of subsection (e)  
18 of Section 18-213 for the 1996 levy year, constituting an  
19 extension for payment of principal and interest on bonds issued  
20 by the taxing district without referendum, increased each year,  
21 commencing with the 2009 levy year, by the lesser of 5% or the  
22 percentage increase in the Consumer Price Index during the  
23 12-month calendar year preceding the levy year, but not  
24 including excluded non-referendum bonds. For park districts  
25 (i) that were first subject to this Law in 1991 or 1995 and  
26 (ii) whose extension for the 1994 levy year for the payment of

1 principal and interest on bonds issued by the park district  
2 without referendum (but not including excluded non-referendum  
3 bonds) was less than 51% of the amount for the 1991 levy year  
4 constituting an extension for payment of principal and interest  
5 on bonds issued by the park district without referendum (but  
6 not including excluded non-referendum bonds), "debt service  
7 extension base" means an amount equal to that portion of the  
8 extension for the 1991 levy year constituting an extension for  
9 payment of principal and interest on bonds issued by the park  
10 district without referendum (but not including excluded  
11 non-referendum bonds). The debt service extension base may be  
12 established or increased as provided under Section 18-212.  
13 "Excluded non-referendum bonds" means (i) bonds authorized by  
14 Public Act 88-503 and issued under Section 20a of the Chicago  
15 Park District Act for aquarium and museum projects; (ii) bonds  
16 issued under Section 15 of the Local Government Debt Reform  
17 Act; or (iii) refunding obligations issued to refund or to  
18 continue to refund obligations initially issued pursuant to  
19 referendum.

20 "Special purpose extensions" include, but are not limited  
21 to, extensions for levies made on an annual basis for  
22 unemployment and workers' compensation, self-insurance,  
23 contributions to pension plans, and extensions made pursuant to  
24 Section 6-601 of the Illinois Highway Code for a road  
25 district's permanent road fund whether levied annually or not.  
26 The extension for a special service area is not included in the

1 aggregate extension.

2 "Aggregate extension base" means the taxing district's  
3 last preceding aggregate extension as adjusted under Sections  
4 18-135, 18-215, and 18-230. An adjustment under Section 18-135  
5 shall be made for the 2007 levy year and all subsequent levy  
6 years whenever one or more counties within which a taxing  
7 district is located (i) used estimated valuations or rates when  
8 extending taxes in the taxing district for the last preceding  
9 levy year that resulted in the over or under extension of  
10 taxes, or (ii) increased or decreased the tax extension for the  
11 last preceding levy year as required by Section 18-135(c).  
12 Whenever an adjustment is required under Section 18-135, the  
13 aggregate extension base of the taxing district shall be equal  
14 to the amount that the aggregate extension of the taxing  
15 district would have been for the last preceding levy year if  
16 either or both (i) actual, rather than estimated, valuations or  
17 rates had been used to calculate the extension of taxes for the  
18 last levy year, or (ii) the tax extension for the last  
19 preceding levy year had not been adjusted as required by  
20 subsection (c) of Section 18-135.

21 "Levy year" has the same meaning as "year" under Section  
22 1-155.

23 "New property" means (i) the assessed value, after final  
24 board of review or board of appeals action, of new improvements  
25 or additions to existing improvements on any parcel of real  
26 property that increase the assessed value of that real property

1 during the levy year multiplied by the equalization factor  
2 issued by the Department under Section 17-30, (ii) the assessed  
3 value, after final board of review or board of appeals action,  
4 of real property not exempt from real estate taxation, which  
5 real property was exempt from real estate taxation for any  
6 portion of the immediately preceding levy year, multiplied by  
7 the equalization factor issued by the Department under Section  
8 17-30, including the assessed value, upon final stabilization  
9 of occupancy after new construction is complete, of any real  
10 property located within the boundaries of an otherwise or  
11 previously exempt military reservation that is intended for  
12 residential use and owned by or leased to a private corporation  
13 or other entity, and (iii) in counties that classify in  
14 accordance with Section 4 of Article IX of the Illinois  
15 Constitution, an incentive property's additional assessed  
16 value resulting from a scheduled increase in the level of  
17 assessment as applied to the first year final board of review  
18 market value. In addition, the county clerk in a county  
19 containing a population of 3,000,000 or more shall include in  
20 the 1997 recovered tax increment value for any school district,  
21 any recovered tax increment value that was applicable to the  
22 1995 tax year calculations.

23 "Qualified airport authority" means an airport authority  
24 organized under the Airport Authorities Act and located in a  
25 county bordering on the State of Wisconsin and having a  
26 population in excess of 200,000 and not greater than 500,000.

1 "Recovered tax increment value" means, except as otherwise  
2 provided in this paragraph, the amount of the current year's  
3 equalized assessed value, in the first year after a  
4 municipality terminates the designation of an area as a  
5 redevelopment project area previously established under the  
6 Tax Increment Allocation Development Act in the Illinois  
7 Municipal Code, previously established under the Industrial  
8 Jobs Recovery Law in the Illinois Municipal Code, previously  
9 established under the Economic Development Project Area Tax  
10 Increment Act of 1995, or previously established under the  
11 Economic Development Area Tax Increment Allocation Act, of each  
12 taxable lot, block, tract, or parcel of real property in the  
13 redevelopment project area over and above the initial equalized  
14 assessed value of each property in the redevelopment project  
15 area. For the taxes which are extended for the 1997 levy year,  
16 the recovered tax increment value for a non-home rule taxing  
17 district that first became subject to this Law for the 1995  
18 levy year because a majority of its 1994 equalized assessed  
19 value was in an affected county or counties shall be increased  
20 if a municipality terminated the designation of an area in 1993  
21 as a redevelopment project area previously established under  
22 the Tax Increment Allocation Development Act in the Illinois  
23 Municipal Code, previously established under the Industrial  
24 Jobs Recovery Law in the Illinois Municipal Code, or previously  
25 established under the Economic Development Area Tax Increment  
26 Allocation Act, by an amount equal to the 1994 equalized

1 assessed value of each taxable lot, block, tract, or parcel of  
2 real property in the redevelopment project area over and above  
3 the initial equalized assessed value of each property in the  
4 redevelopment project area. In the first year after a  
5 municipality removes a taxable lot, block, tract, or parcel of  
6 real property from a redevelopment project area established  
7 under the Tax Increment Allocation Development Act in the  
8 Illinois Municipal Code, the Industrial Jobs Recovery Law in  
9 the Illinois Municipal Code, or the Economic Development Area  
10 Tax Increment Allocation Act, "recovered tax increment value"  
11 means the amount of the current year's equalized assessed value  
12 of each taxable lot, block, tract, or parcel of real property  
13 removed from the redevelopment project area over and above the  
14 initial equalized assessed value of that real property before  
15 removal from the redevelopment project area.

16 Except as otherwise provided in this Section, "limiting  
17 rate" means a fraction the numerator of which is the last  
18 preceding aggregate extension base times an amount equal to one  
19 plus the extension limitation defined in this Section and the  
20 denominator of which is the current year's equalized assessed  
21 value of all real property in the territory under the  
22 jurisdiction of the taxing district during the prior levy year.  
23 For those taxing districts that reduced their aggregate  
24 extension for the last preceding levy year, the highest  
25 aggregate extension in any of the last 3 preceding levy years  
26 shall be used for the purpose of computing the limiting rate.

1 The denominator shall not include new property or the recovered  
2 tax increment value. If a new rate, a rate decrease, or a  
3 limiting rate increase has been approved at an election held  
4 after March 21, 2006, then (i) the otherwise applicable  
5 limiting rate shall be increased by the amount of the new rate  
6 or shall be reduced by the amount of the rate decrease, as the  
7 case may be, or (ii) in the case of a limiting rate increase,  
8 the limiting rate shall be equal to the rate set forth in the  
9 proposition approved by the voters for each of the years  
10 specified in the proposition, after which the limiting rate of  
11 the taxing district shall be calculated as otherwise provided.

12 (Source: P.A. 95-90, eff. 1-1-08; 95-331, eff. 8-21-07; 95-404,  
13 eff. 1-1-08; 95-876, eff. 8-21-08; 96-501, eff. 8-14-09;  
14 96-517, eff. 8-14-09; revised 9-15-09.)

15 Section 220. The Motor Fuel Tax Law is amended by changing  
16 Section 8 as follows:

17 (35 ILCS 505/8) (from Ch. 120, par. 424)

18 Sec. 8. Except as provided in Section 8a, subdivision  
19 (h) (1) of Section 12a, Section 13a.6, and items 13, 14, 15, and  
20 16 of Section 15, all money received by the Department under  
21 this Act, including payments made to the Department by member  
22 jurisdictions participating in the International Fuel Tax  
23 Agreement, shall be deposited in a special fund in the State  
24 treasury, to be known as the "Motor Fuel Tax Fund", and shall

1 be used as follows:

2 (a) 2 1/2 cents per gallon of the tax collected on special  
3 fuel under paragraph (b) of Section 2 and Section 13a of this  
4 Act shall be transferred to the State Construction Account Fund  
5 in the State Treasury;

6 (b) \$420,000 shall be transferred each month to the State  
7 Boating Act Fund to be used by the Department of Natural  
8 Resources for the purposes specified in Article X of the Boat  
9 Registration and Safety Act;

10 (c) \$3,500,000 shall be transferred each month to the Grade  
11 Crossing Protection Fund to be used as follows: not less than  
12 \$12,000,000 each fiscal year shall be used for the construction  
13 or reconstruction of rail highway grade separation structures;  
14 \$2,250,000 in fiscal years 2004 through 2009 and \$3,000,000 in  
15 fiscal year 2010 and each fiscal year thereafter shall be  
16 transferred to the Transportation Regulatory Fund and shall be  
17 accounted for as part of the rail carrier portion of such funds  
18 and shall be used to pay the cost of administration of the  
19 Illinois Commerce Commission's railroad safety program in  
20 connection with its duties under subsection (3) of Section  
21 18c-7401 of the Illinois Vehicle Code, with the remainder to be  
22 used by the Department of Transportation upon order of the  
23 Illinois Commerce Commission, to pay that part of the cost  
24 apportioned by such Commission to the State to cover the  
25 interest of the public in the use of highways, roads, streets,  
26 or pedestrian walkways in the county highway system, township

1 and district road system, or municipal street system as defined  
2 in the Illinois Highway Code, as the same may from time to time  
3 be amended, for separation of grades, for installation,  
4 construction or reconstruction of crossing protection or  
5 reconstruction, alteration, relocation including construction  
6 or improvement of any existing highway necessary for access to  
7 property or improvement of any grade crossing and grade  
8 crossing surface including the necessary highway approaches  
9 thereto of any railroad across the highway or public road, or  
10 for the installation, construction, reconstruction, or  
11 maintenance of a pedestrian walkway over or under a railroad  
12 right-of-way, as provided for in and in accordance with Section  
13 18c-7401 of the Illinois Vehicle Code. The Commission may order  
14 up to \$2,000,000 per year in Grade Crossing Protection Fund  
15 moneys for the improvement of grade crossing surfaces and up to  
16 \$300,000 per year for the maintenance and renewal of 4-quadrant  
17 gate vehicle detection systems located at non-high speed rail  
18 grade crossings. The Commission shall not order more than  
19 \$2,000,000 per year in Grade Crossing Protection Fund moneys  
20 for pedestrian walkways. In entering orders for projects for  
21 which payments from the Grade Crossing Protection Fund will be  
22 made, the Commission shall account for expenditures authorized  
23 by the orders on a cash rather than an accrual basis. For  
24 purposes of this requirement an "accrual basis" assumes that  
25 the total cost of the project is expended in the fiscal year in  
26 which the order is entered, while a "cash basis" allocates the

1 cost of the project among fiscal years as expenditures are  
2 actually made. To meet the requirements of this subsection, the  
3 Illinois Commerce Commission shall develop annual and 5-year  
4 project plans of rail crossing capital improvements that will  
5 be paid for with moneys from the Grade Crossing Protection  
6 Fund. The annual project plan shall identify projects for the  
7 succeeding fiscal year and the 5-year project plan shall  
8 identify projects for the 5 directly succeeding fiscal years.  
9 The Commission shall submit the annual and 5-year project plans  
10 for this Fund to the Governor, the President of the Senate, the  
11 Senate Minority Leader, the Speaker of the House of  
12 Representatives, and the Minority Leader of the House of  
13 Representatives on the first Wednesday in April of each year;

14 (d) of the amount remaining after allocations provided for  
15 in subsections (a), (b) and (c), a sufficient amount shall be  
16 reserved to pay all of the following:

17 (1) the costs of the Department of Revenue in  
18 administering this Act;

19 (2) the costs of the Department of Transportation in  
20 performing its duties imposed by the Illinois Highway Code  
21 for supervising the use of motor fuel tax funds apportioned  
22 to municipalities, counties and road districts;

23 (3) refunds provided for in Section 13 of this Act and  
24 under the terms of the International Fuel Tax Agreement  
25 referenced in Section 14a;

26 (4) from October 1, 1985 until June 30, 1994, the

1 administration of the Vehicle Emissions Inspection Law,  
2 which amount shall be certified monthly by the  
3 Environmental Protection Agency to the State Comptroller  
4 and shall promptly be transferred by the State Comptroller  
5 and Treasurer from the Motor Fuel Tax Fund to the Vehicle  
6 Inspection Fund, and for the period July 1, 1994 through  
7 June 30, 2000, one-twelfth of \$25,000,000 each month, for  
8 the period July 1, 2000 through June 30, 2003, one-twelfth  
9 of \$30,000,000 each month, and \$15,000,000 on July 1, 2003,  
10 and \$15,000,000 on January 1, 2004, and \$15,000,000 on each  
11 July 1 and October 1, or as soon thereafter as may be  
12 practical, during the period July 1, 2004 through June 30,  
13 2010, for the administration of the Vehicle Emissions  
14 Inspection Law of 2005, to be transferred by the State  
15 Comptroller and Treasurer from the Motor Fuel Tax Fund into  
16 the Vehicle Inspection Fund;

17 (5) amounts ordered paid by the Court of Claims; and

18 (6) payment of motor fuel use taxes due to member  
19 jurisdictions under the terms of the International Fuel Tax  
20 Agreement. The Department shall certify these amounts to  
21 the Comptroller by the 15th day of each month; the  
22 Comptroller shall cause orders to be drawn for such  
23 amounts, and the Treasurer shall administer those amounts  
24 on or before the last day of each month;

25 (e) after allocations for the purposes set forth in  
26 subsections (a), (b), (c) and (d), the remaining amount shall

1 be apportioned as follows:

2 (1) Until January 1, 2000, 58.4%, and beginning January  
3 1, 2000, 45.6% shall be deposited as follows:

4 (A) 37% into the State Construction Account Fund,  
5 and

6 (B) 63% into the Road Fund, \$1,250,000 of which  
7 shall be reserved each month for the Department of  
8 Transportation to be used in accordance with the  
9 provisions of Sections 6-901 through 6-906 of the  
10 Illinois Highway Code;

11 (2) Until January 1, 2000, 41.6%, and beginning January  
12 1, 2000, 54.4% shall be transferred to the Department of  
13 Transportation to be distributed as follows:

14 (A) 49.10% to the municipalities of the State,

15 (B) 16.74% to the counties of the State having  
16 1,000,000 or more inhabitants,

17 (C) 18.27% to the counties of the State having less  
18 than 1,000,000 inhabitants,

19 (D) 15.89% to the road districts of the State.

20 As soon as may be after the first day of each month the  
21 Department of Transportation shall allot to each municipality  
22 its share of the amount apportioned to the several  
23 municipalities which shall be in proportion to the population  
24 of such municipalities as determined by the last preceding  
25 municipal census if conducted by the Federal Government or  
26 Federal census. If territory is annexed to any municipality

1 subsequent to the time of the last preceding census the  
2 corporate authorities of such municipality may cause a census  
3 to be taken of such annexed territory and the population so  
4 ascertained for such territory shall be added to the population  
5 of the municipality as determined by the last preceding census  
6 for the purpose of determining the allotment for that  
7 municipality. If the population of any municipality was not  
8 determined by the last Federal census preceding any  
9 apportionment, the apportionment to such municipality shall be  
10 in accordance with any census taken by such municipality. Any  
11 municipal census used in accordance with this Section shall be  
12 certified to the Department of Transportation by the clerk of  
13 such municipality, and the accuracy thereof shall be subject to  
14 approval of the Department which may make such corrections as  
15 it ascertains to be necessary.

16 As soon as may be after the first day of each month the  
17 Department of Transportation shall allot to each county its  
18 share of the amount apportioned to the several counties of the  
19 State as herein provided. Each allotment to the several  
20 counties having less than 1,000,000 inhabitants shall be in  
21 proportion to the amount of motor vehicle license fees received  
22 from the residents of such counties, respectively, during the  
23 preceding calendar year. The Secretary of State shall, on or  
24 before April 15 of each year, transmit to the Department of  
25 Transportation a full and complete report showing the amount of  
26 motor vehicle license fees received from the residents of each

1 county, respectively, during the preceding calendar year. The  
2 Department of Transportation shall, each month, use for  
3 allotment purposes the last such report received from the  
4 Secretary of State.

5 As soon as may be after the first day of each month, the  
6 Department of Transportation shall allot to the several  
7 counties their share of the amount apportioned for the use of  
8 road districts. The allotment shall be apportioned among the  
9 several counties in the State in the proportion which the total  
10 mileage of township or district roads in the respective  
11 counties bears to the total mileage of all township and  
12 district roads in the State. Funds allotted to the respective  
13 counties for the use of road districts therein shall be  
14 allocated to the several road districts in the county in the  
15 proportion which the total mileage of such township or district  
16 roads in the respective road districts bears to the total  
17 mileage of all such township or district roads in the county.  
18 After July 1 of any year, no allocation shall be made for any  
19 road district unless it levied a tax for road and bridge  
20 purposes in an amount which will require the extension of such  
21 tax against the taxable property in any such road district at a  
22 rate of not less than either .08% of the value thereof, based  
23 upon the assessment for the year immediately prior to the year  
24 in which such tax was levied and as equalized by the Department  
25 of Revenue or, in DuPage County, an amount equal to or greater  
26 than \$12,000 per mile of road under the jurisdiction of the

1 road district, whichever is less. If any road district has  
2 levied a special tax for road purposes pursuant to Sections  
3 6-601, 6-602 and 6-603 of the Illinois Highway Code, and such  
4 tax was levied in an amount which would require extension at a  
5 rate of not less than .08% of the value of the taxable property  
6 thereof, as equalized or assessed by the Department of Revenue,  
7 or, in DuPage County, an amount equal to or greater than  
8 \$12,000 per mile of road under the jurisdiction of the road  
9 district, whichever is less, such levy shall, however, be  
10 deemed a proper compliance with this Section and shall qualify  
11 such road district for an allotment under this Section. If a  
12 township has transferred to the road and bridge fund money  
13 which, when added to the amount of any tax levy of the road  
14 district would be the equivalent of a tax levy requiring  
15 extension at a rate of at least .08%, or, in DuPage County, an  
16 amount equal to or greater than \$12,000 per mile of road under  
17 the jurisdiction of the road district, whichever is less, such  
18 transfer, together with any such tax levy, shall be deemed a  
19 proper compliance with this Section and shall qualify the road  
20 district for an allotment under this Section.

21 In counties in which a property tax extension limitation is  
22 imposed under the Property Tax Extension Limitation Law, road  
23 districts may retain their entitlement to a motor fuel tax  
24 allotment if, at the time the property tax extension limitation  
25 was imposed, the road district was levying a road and bridge  
26 tax at a rate sufficient to entitle it to a motor fuel tax

1 allotment and continues to levy the maximum allowable amount  
2 after the imposition of the property tax extension limitation.  
3 Any road district may in all circumstances retain its  
4 entitlement to a motor fuel tax allotment if it levied a road  
5 and bridge tax in an amount that will require the extension of  
6 the tax against the taxable property in the road district at a  
7 rate of not less than 0.08% of the assessed value of the  
8 property, based upon the assessment for the year immediately  
9 preceding the year in which the tax was levied and as equalized  
10 by the Department of Revenue or, in DuPage County, an amount  
11 equal to or greater than \$12,000 per mile of road under the  
12 jurisdiction of the road district, whichever is less.

13 As used in this Section the term "road district" means any  
14 road district, including a county unit road district, provided  
15 for by the Illinois Highway Code; and the term "township or  
16 district road" means any road in the township and district road  
17 system as defined in the Illinois Highway Code. For the  
18 purposes of this Section, "road district" also includes park  
19 districts, forest preserve districts and conservation  
20 districts organized under Illinois law and "township or  
21 district road" also includes such roads as are maintained by  
22 park districts, forest preserve districts and conservation  
23 districts. The Department of Transportation shall determine  
24 the mileage of all township and district roads for the purposes  
25 of making allotments and allocations of motor fuel tax funds  
26 for use in road districts.

1 Payment of motor fuel tax moneys to municipalities and  
2 counties shall be made as soon as possible after the allotment  
3 is made. The treasurer of the municipality or county may invest  
4 these funds until their use is required and the interest earned  
5 by these investments shall be limited to the same uses as the  
6 principal funds.

7 (Source: P.A. 95-744, eff. 7-18-08; 96-34, eff. 7-13-09; 96-45,  
8 eff. 7-15-09; revised 11-3-09.)

9 Section 225. The Illinois Pension Code is amended by  
10 changing Sections 4-121, 7-132, 14-104, 14-110, 14-131,  
11 15-159, and 18-125 as follows:

12 (40 ILCS 5/4-121) (from Ch. 108 1/2, par. 4-121)

13 Sec. 4-121. Board created. There is created in each  
14 municipality or fire protection district a board of trustees to  
15 be known as the "Board of Trustees of the Firefighters' Pension  
16 Fund". The membership of the board for each municipality shall  
17 be, respectively, as follows: in cities, the treasurer, clerk,  
18 marshal, ~~marshall~~ or chief officer of the fire department, and  
19 the comptroller if there is one, or if not, the mayor; in each  
20 township, village or incorporated town, the president of the  
21 municipality's board of trustees, the village or town clerk,  
22 village or town attorney, village or town treasurer, and the  
23 chief officer of the fire department; and in each fire  
24 protection district, the president and other 2 members of its

1 board of trustees and the marshal ~~marshall~~ or chief of its fire  
2 department or service, as the case may be; and in all the  
3 municipalities above designated 3 additional persons chosen  
4 from their active firefighters and one other person who has  
5 retired under the "Firemen's Pension Fund Act of 1919", or this  
6 Article. Notwithstanding any provision of this Section to the  
7 contrary, the term of office of each member of a board  
8 established on or before the 3rd Monday in April, 2006 shall  
9 terminate on the 3rd Monday in April, 2006, but all incumbent  
10 members shall continue to exercise all of the powers and be  
11 subject to all of the duties of a member of the board until all  
12 the new members of the board take office.

13 Beginning on the 3rd Monday in April, 2006, the board for  
14 each municipality or fire protection district shall consist of  
15 5 members. Two members of the board shall be appointed by the  
16 mayor or president of the board of trustees of the municipality  
17 or fire protection district involved. Two members of the board  
18 shall be active participants of the pension fund who are  
19 elected from the active participants of the fund. One member of  
20 the board shall be a person who is retired under the Firemen's  
21 Pension Fund Act of 1919 or this Article who is elected from  
22 persons retired under the Firemen's Pension Fund Act of 1919 or  
23 this Article.

24 For the purposes of this Section, a firefighter receiving a  
25 disability pension shall be considered a retired firefighter.  
26 In the event that there are no retired firefighters under the

1 Fund or if none is willing to serve on the board, then an  
2 additional active firefighter shall be elected to the board in  
3 lieu of the retired firefighter that would otherwise be  
4 elected.

5 If the regularly constituted fire department of a  
6 municipality is dissolved and Section 4-106.1 is not  
7 applicable, the board shall continue to exist and administer  
8 the Fund so long as there continues to be any annuitant or  
9 deferred pensioner in the Fund. In such cases, elections shall  
10 continue to be held as specified in this Section, except that:  
11 (1) deferred pensioners shall be deemed to be active members  
12 for the purposes of such elections; (2) any otherwise  
13 unfillable positions on the board, including ex officio  
14 positions, shall be filled by election from the remaining  
15 firefighters and deferred pensioners of the Fund, to the extent  
16 possible; and (3) if the membership of the board falls below 3  
17 persons, the Illinois Director of Insurance or his designee  
18 shall be deemed a member of the board, ex officio.

19 The members chosen from the active and retired firefighters  
20 shall be elected by ballot at elections to be held on the 3rd  
21 Monday in April of the applicable years under the Australian  
22 ballot system, at such place or places, in the municipality,  
23 and under such regulations as shall be prescribed by the board.

24 No person shall cast more than one vote for each candidate  
25 for whom he or she is eligible to vote. In the elections for  
26 board members to be chosen from the active firefighters, all

1 active firefighters and no others may vote. In the elections  
2 for board members to be chosen from retired firefighters, the  
3 retired firefighters and no others may vote.

4 Each member of the board so elected shall hold office for a  
5 term of 3 years and until his or her successor has been duly  
6 elected and qualified.

7 The board shall canvass the ballots and declare which  
8 persons have been elected and for what term or terms  
9 respectively. In case of a tie vote between 2 or more  
10 candidates, the board shall determine by lot which candidate or  
11 candidates have been elected and for what term or terms  
12 respectively. In the event of the failure, resignation, or  
13 inability to act of any board member, a successor shall be  
14 elected for the unexpired term at a special election called by  
15 the board and conducted in the same manner as a regular  
16 election.

17 The board shall elect annually from its members a president  
18 and secretary.

19 Board members shall not receive or have any right to  
20 receive any salary from a pension fund for services performed  
21 as board members.

22 (Source: P.A. 94-317, eff. 7-25-05; revised 12-2-09.)

23 (40 ILCS 5/7-132) (from Ch. 108 1/2, par. 7-132)

24 Sec. 7-132. Municipalities, instrumentalities and  
25 participating instrumentalities included and effective dates.

1 (A) Municipalities and their instrumentalities.

2 (a) The following described municipalities, but not  
3 including any with more than 1,000,000 inhabitants, and the  
4 instrumentalities thereof, shall be included within and be  
5 subject to this Article beginning upon the effective dates  
6 specified by the Board:

7 (1) Except as to the municipalities and  
8 instrumentalities thereof specifically excluded under this  
9 Article, every county shall be subject to this Article, and  
10 all cities, villages and incorporated towns having a  
11 population in excess of 5,000 inhabitants as determined by  
12 the last preceding decennial or subsequent federal census,  
13 shall be subject to this Article following publication of  
14 the census by the Bureau of the Census. Within 90 days  
15 after publication of the census, the Board shall notify any  
16 municipality that has become subject to this Article as a  
17 result of that census, and shall provide information to the  
18 corporate authorities of the municipality explaining the  
19 duties and consequences of participation. The notification  
20 shall also include a proposed date upon which participation  
21 by the municipality will commence.

22 However, for any city, village or incorporated town  
23 that attains a population over 5,000 inhabitants after  
24 having provided social security coverage for its employees  
25 under the Social Security Enabling Act, participation

1 under this Article shall not be mandatory but may be  
2 elected in accordance with subparagraph (3) or (4) of this  
3 paragraph (a), whichever is applicable.

4 (2) School districts, other than those specifically  
5 excluded under this Article, shall be subject to this  
6 Article, without election, with respect to all employees  
7 thereof.

8 (3) Towns and all other bodies politic and corporate  
9 which are formed by vote of, or are subject to control by,  
10 the electors in towns and are located in towns which are  
11 not participating municipalities on the effective date of  
12 this Act, may become subject to this Article by election  
13 pursuant to Section 7-132.1.

14 (4) Any other municipality (together with its  
15 instrumentalities), other than those specifically excluded  
16 from participation and those described in paragraph (3)  
17 above, may elect to be included either by referendum under  
18 Section 7-134 or by the adoption of a resolution or  
19 ordinance by its governing body. A copy of such resolution  
20 or ordinance duly authenticated and certified by the clerk  
21 of the municipality or other appropriate official of its  
22 governing body shall constitute the required notice to the  
23 board of such action.

24 (b) A municipality that is about to begin participation  
25 shall submit to the Board an application to participate, in a  
26 form acceptable to the Board, not later than 90 days prior to

1 the proposed effective date of participation. The Board shall  
2 act upon the application within 90 days, and if it finds that  
3 the application is in conformity with its requirements and the  
4 requirements of this Article, participation by the applicant  
5 shall commence on a date acceptable to the municipality and  
6 specified by the Board, but in no event more than one year from  
7 the date of application.

8 (c) A participating municipality which succeeds to the  
9 functions of a participating municipality which is dissolved or  
10 terminates its existence shall assume and be transferred the  
11 net accumulation balance in the municipality reserve and the  
12 municipality account receivable balance of the terminated  
13 municipality.

14 (d) In the case of a Veterans Assistance Commission whose  
15 employees were being treated by the Fund on January 1, 1990 as  
16 employees of the county served by the Commission, the Fund may  
17 continue to treat the employees of the Veterans Assistance  
18 Commission as county employees for the purposes of this  
19 Article, unless the Commission becomes a participating  
20 instrumentality in accordance with subsection (B) of this  
21 Section.

22 (B) Participating instrumentalities.

23 (a) The participating instrumentalities designated in  
24 paragraph (b) of this subsection shall be included within and  
25 be subject to this Article if:

1           (1) an application to participate, in a form acceptable  
2           to the Board and adopted by a two-thirds vote of the  
3           governing body, is presented to the Board not later than 90  
4           days prior to the proposed effective date; and

5           (2) the Board finds that the application is in  
6           conformity with its requirements, that the applicant has  
7           reasonable expectation to continue as a political entity  
8           for a period of at least 10 years and has the prospective  
9           financial capacity to meet its current and future  
10          obligations to the Fund, and that the actuarial soundness  
11          of the Fund may be reasonably expected to be unimpaired by  
12          approval of participation by the applicant.

13          The Board shall notify the applicant of its findings within  
14          90 days after receiving the application, and if the Board  
15          approves the application, participation by the applicant shall  
16          commence on the effective date specified by the Board.

17          (b) The following participating instrumentalities, so long  
18          as they meet the requirements of Section 7-108 and the area  
19          served by them or within their jurisdiction is not located  
20          entirely within a municipality having more than one million  
21          inhabitants, may be included hereunder:

22                i. Township School District Trustees.

23                ii. Multiple County and Consolidated Health  
24                Departments created under Division 5-25 of the Counties  
25                Code or its predecessor law.

26                iii. Public Building Commissions created under the

1 Public Building Commission Act, and located in counties of  
2 less than 1,000,000 inhabitants.

3 iv. A multitype, consolidated or cooperative library  
4 system created under the Illinois Library System Act. Any  
5 library system created under the Illinois Library System  
6 Act that has one or more predecessors that participated in  
7 the Fund may participate in the Fund upon application. The  
8 Board shall establish procedures for implementing the  
9 transfer of rights and obligations from the predecessor  
10 system to the successor system.

11 v. Regional Planning Commissions created under  
12 Division 5-14 of the Counties Code or its predecessor law.

13 vi. Local Public Housing Authorities created under the  
14 Housing Authorities Act, located in counties of less than  
15 1,000,000 inhabitants.

16 vii. Illinois Municipal League.

17 viii. Northeastern Illinois Metropolitan Area Planning  
18 Commission.

19 ix. Southwestern Illinois Metropolitan Area Planning  
20 Commission.

21 x. Illinois Association of Park Districts.

22 xi. Illinois Supervisors, County Commissioners and  
23 Superintendents of Highways Association.

24 xii. Tri-City Regional Port District.

25 xiii. An association, or not-for-profit corporation,  
26 membership in which is authorized under Section 85-15 of

1 the Township Code.

2 xiv. Drainage Districts operating under the Illinois  
3 Drainage Code.

4 xv. Local mass transit districts created under the  
5 Local Mass Transit District Act.

6 xvi. Soil and water conservation districts created  
7 under the Soil and Water Conservation Districts Law.

8 xvii. Commissions created to provide water supply or  
9 sewer services or both under Division 135 or Division 136  
10 of Article 11 of the Illinois Municipal Code.

11 xviii. Public water districts created under the Public  
12 Water District Act.

13 xix. Veterans Assistance Commissions established under  
14 Section 9 of the Military Veterans Assistance Act that  
15 serve counties with a population of less than 1,000,000.

16 xx. The governing body of an entity, other than a  
17 vocational education cooperative, created under an  
18 intergovernmental cooperative agreement established  
19 between participating municipalities under the  
20 Intergovernmental Cooperation Act, which by the terms of  
21 the agreement is the employer of the persons performing  
22 services under the agreement under the usual common law  
23 rules determining the employer-employee relationship. The  
24 governing body of such an intergovernmental cooperative  
25 entity established prior to July 1, 1988 may make  
26 participation retroactive to the effective date of the

1 agreement and, if so, the effective date of participation  
2 shall be the date the required application is filed with  
3 the fund. If any such entity is unable to pay the required  
4 employer contributions to the fund, then the participating  
5 municipalities shall make payment of the required  
6 contributions and the payments shall be allocated as  
7 provided in the agreement or, if not so provided, equally  
8 among them.

9 xxi. The Illinois Municipal Electric Agency.

10 xxii. The Waukegan Port District.

11 xxiii. The Fox Waterway Agency created under the Fox  
12 Waterway Agency Act.

13 xxiv. The Illinois Municipal Gas Agency.

14 xxv. The Kaskaskia Regional Port District.

15 xxvi. The Southwestern Illinois Development Authority.

16 xxvii. The Cairo Public Utility Company.

17 xxviii. Except with respect to employees who elect to  
18 participate in the State Employees' Retirement System of  
19 Illinois under Section 14-104.13 of this Code, the Chicago  
20 Metropolitan Agency for Planning created under the  
21 Regional Planning Act, provided that, with respect to the  
22 benefits payable pursuant to Sections 7-146, 7-150, and  
23 7-164 and the requirement that eligibility for such  
24 benefits is conditional upon satisfying a minimum period of  
25 service or a minimum contribution, any employee of the  
26 Chicago Metropolitan Agency for Planning that was

1 immediately prior to such employment an employee of the  
2 Chicago Area Transportation Study or the Northeastern  
3 Illinois Planning Commission, such employee's service at  
4 the Chicago Area Transportation Study or the Northeastern  
5 Illinois Planning Commission and contributions to the  
6 State Employees' Retirement System of Illinois established  
7 under Article 14 and the Illinois Municipal Retirement Fund  
8 shall count towards the satisfaction of such requirements.

9 xxix. United Counties Council (formerly the Urban  
10 Counties Council), but only if the Council has a ruling  
11 from the United States Internal Revenue Service that it is  
12 a governmental entity.

13 ~~xxx xix.~~ The Will County Governmental League, but only  
14 if the League has a ruling from the United States Internal  
15 Revenue Service that it is a governmental entity.

16 (c) The governing boards of special education joint  
17 agreements created under Section 10-22.31 of the School Code  
18 without designation of an administrative district shall be  
19 included within and be subject to this Article as participating  
20 instrumentalities when the joint agreement becomes effective.  
21 However, the governing board of any such special education  
22 joint agreement in effect before September 5, 1975 shall not be  
23 subject to this Article unless the joint agreement is modified  
24 by the school districts to provide that the governing board is  
25 subject to this Article, except as otherwise provided by this  
26 Section.

1           The governing board of the Special Education District of  
2 Lake County shall become subject to this Article as a  
3 participating instrumentality on July 1, 1997. Notwithstanding  
4 subdivision (a)1 of Section 7-139, on the effective date of  
5 participation, employees of the governing board of the Special  
6 Education District of Lake County shall receive creditable  
7 service for their prior service with that employer, up to a  
8 maximum of 5 years, without any employee contribution.  
9 Employees may establish creditable service for the remainder of  
10 their prior service with that employer, if any, by applying in  
11 writing and paying an employee contribution in an amount  
12 determined by the Fund, based on the employee contribution  
13 rates in effect at the time of application for the creditable  
14 service and the employee's salary rate on the effective date of  
15 participation for that employer, plus interest at the effective  
16 rate from the date of the prior service to the date of payment.  
17 Application for this creditable service must be made before  
18 July 1, 1998; the payment may be made at any time while the  
19 employee is still in service. The employer may elect to make  
20 the required contribution on behalf of the employee.

21           The governing board of a special education joint agreement  
22 created under Section 10-22.31 of the School Code for which an  
23 administrative district has been designated, if there are  
24 employees of the cooperative educational entity who are not  
25 employees of the administrative district, may elect to  
26 participate in the Fund and be included within this Article as

1 a participating instrumentality, subject to such application  
2 procedures and rules as the Board may prescribe.

3 The Boards of Control of cooperative or joint educational  
4 programs or projects created and administered under Section  
5 3-15.14 of the School Code, whether or not the Boards act as  
6 their own administrative district, shall be included within and  
7 be subject to this Article as participating instrumentalities  
8 when the agreement establishing the cooperative or joint  
9 educational program or project becomes effective.

10 The governing board of a special education joint agreement  
11 entered into after June 30, 1984 and prior to September 17,  
12 1985 which provides for representation on the governing board  
13 by less than all the participating districts shall be included  
14 within and subject to this Article as a participating  
15 instrumentality. Such participation shall be effective as of  
16 the date the joint agreement becomes effective.

17 The governing boards of educational service centers  
18 established under Section 2-3.62 of the School Code shall be  
19 included within and subject to this Article as participating  
20 instrumentalities. The governing boards of vocational  
21 education cooperative agreements created under the  
22 Intergovernmental Cooperation Act and approved by the State  
23 Board of Education shall be included within and be subject to  
24 this Article as participating instrumentalities. If any such  
25 governing boards or boards of control are unable to pay the  
26 required employer contributions to the fund, then the school

1 districts served by such boards shall make payment of required  
2 contributions as provided in Section 7-172. The payments shall  
3 be allocated among the several school districts in proportion  
4 to the number of students in average daily attendance for the  
5 last full school year for each district in relation to the  
6 total number of students in average attendance for such period  
7 for all districts served. If such educational service centers,  
8 vocational education cooperatives or cooperative or joint  
9 educational programs or projects created and administered  
10 under Section 3-15.14 of the School Code are dissolved, the  
11 assets and obligations shall be distributed among the districts  
12 in the same proportions unless otherwise provided.

13 (d) The governing boards of special recreation joint  
14 agreements created under Section 8-10b of the Park District  
15 Code, operating without designation of an administrative  
16 district or an administrative municipality appointed to  
17 administer the program operating under the authority of such  
18 joint agreement shall be included within and be subject to this  
19 Article as participating instrumentalities when the joint  
20 agreement becomes effective. However, the governing board of  
21 any such special recreation joint agreement in effect before  
22 January 1, 1980 shall not be subject to this Article unless the  
23 joint agreement is modified, by the districts and  
24 municipalities which are parties to the agreement, to provide  
25 that the governing board is subject to this Article.

26 If the Board returns any employer and employee

1 contributions to any employer which erroneously submitted such  
2 contributions on behalf of a special recreation joint  
3 agreement, the Board shall include interest computed from the  
4 end of each year to the date of payment, not compounded, at the  
5 rate of 7% per annum.

6 (e) Each multi-township assessment district, the board of  
7 trustees of which has adopted this Article by ordinance prior  
8 to April 1, 1982, shall be a participating instrumentality  
9 included within and subject to this Article effective December  
10 1, 1981. The contributions required under Section 7-172 shall  
11 be included in the budget prepared under and allocated in  
12 accordance with Section 2-30 of the Property Tax Code.

13 (f) The Illinois Medical District Commission created under  
14 the Illinois Medical District Act may be included within and  
15 subject to this Article as a participating instrumentality,  
16 notwithstanding that the location of the District is entirely  
17 within the City of Chicago. To become a participating  
18 instrumentality, the Commission must apply to the Board in the  
19 manner set forth in paragraph (a) of this subsection (B). If  
20 the Board approves the application, under the criteria and  
21 procedures set forth in paragraph (a) and any other applicable  
22 rules, criteria, and procedures of the Board, participation by  
23 the Commission shall commence on the effective date specified  
24 by the Board.

25 (C) Prospective participants.

1           Beginning January 1, 1992, each prospective participating  
2 municipality or participating instrumentality shall pay to the  
3 Fund the cost, as determined by the Board, of a study prepared  
4 by the Fund or its actuary, detailing the prospective costs of  
5 participation in the Fund to be expected by the municipality or  
6 instrumentality.

7           (Source: P.A. 95-677, eff. 10-11-07; 96-211, eff. 8-10-09;  
8 96-551, eff. 8-17-09; revised 10-6-09.)

9           (40 ILCS 5/14-104) (from Ch. 108 1/2, par. 14-104)

10          Sec. 14-104. Service for which contributions permitted.  
11 Contributions provided for in this Section shall cover the  
12 period of service granted. Except as otherwise provided in this  
13 Section, the contributions shall be based upon the employee's  
14 compensation and contribution rate in effect on the date he  
15 last became a member of the System; provided that for all  
16 employment prior to January 1, 1969 the contribution rate shall  
17 be that in effect for a noncovered employee on the date he last  
18 became a member of the System. Except as otherwise provided in  
19 this Section, contributions permitted under this Section shall  
20 include regular interest from the date an employee last became  
21 a member of the System to the date of payment.

22          These contributions must be paid in full before retirement  
23 either in a lump sum or in installment payments in accordance  
24 with such rules as may be adopted by the board.

25          (a) Any member may make contributions as required in this

1 Section for any period of service, subsequent to the date of  
2 establishment, but prior to the date of membership.

3 (b) Any employee who had been previously excluded from  
4 membership because of age at entry and subsequently became  
5 eligible may elect to make contributions as required in this  
6 Section for the period of service during which he was  
7 ineligible.

8 (c) An employee of the Department of Insurance who, after  
9 January 1, 1944 but prior to becoming eligible for membership,  
10 received salary from funds of insurance companies in the  
11 process of rehabilitation, liquidation, conservation or  
12 dissolution, may elect to make contributions as required in  
13 this Section for such service.

14 (d) Any employee who rendered service in a State office to  
15 which he was elected, or rendered service in the elective  
16 office of Clerk of the Appellate Court prior to the date he  
17 became a member, may make contributions for such service as  
18 required in this Section. Any member who served by appointment  
19 of the Governor under the Civil Administrative Code of Illinois  
20 and did not participate in this System may make contributions  
21 as required in this Section for such service.

22 (e) Any person employed by the United States government or  
23 any instrumentality or agency thereof from January 1, 1942  
24 through November 15, 1946 as the result of a transfer from  
25 State service by executive order of the President of the United  
26 States shall be entitled to prior service credit covering the

1 period from January 1, 1942 through December 31, 1943 as  
2 provided for in this Article and to membership service credit  
3 for the period from January 1, 1944 through November 15, 1946  
4 by making the contributions required in this Section. A person  
5 so employed on January 1, 1944 but whose employment began after  
6 January 1, 1942 may qualify for prior service and membership  
7 service credit under the same conditions.

8 (f) An employee of the Department of Labor of the State of  
9 Illinois who performed services for and under the supervision  
10 of that Department prior to January 1, 1944 but who was  
11 compensated for those services directly by federal funds and  
12 not by a warrant of the Auditor of Public Accounts paid by the  
13 State Treasurer may establish credit for such employment by  
14 making the contributions required in this Section. An employee  
15 of the Department of Agriculture of the State of Illinois, who  
16 performed services for and under the supervision of that  
17 Department prior to June 1, 1963, but was compensated for those  
18 services directly by federal funds and not paid by a warrant of  
19 the Auditor of Public Accounts paid by the State Treasurer, and  
20 who did not contribute to any other public employee retirement  
21 system for such service, may establish credit for such  
22 employment by making the contributions required in this  
23 Section.

24 (g) Any employee who executed a waiver of membership within  
25 60 days prior to January 1, 1944 may, at any time while in the  
26 service of a department, file with the board a rescission of

1 such waiver. Upon making the contributions required by this  
2 Section, the member shall be granted the creditable service  
3 that would have been received if the waiver had not been  
4 executed.

5 (h) Until May 1, 1990, an employee who was employed on a  
6 full-time basis by a regional planning commission for at least  
7 5 continuous years may establish creditable service for such  
8 employment by making the contributions required under this  
9 Section, provided that any credits earned by the employee in  
10 the commission's retirement plan have been terminated.

11 (i) Any person who rendered full time contractual services  
12 to the General Assembly as a member of a legislative staff may  
13 establish service credit for up to 8 years of such services by  
14 making the contributions required under this Section, provided  
15 that application therefor is made not later than July 1, 1991.

16 (j) By paying the contributions otherwise required under  
17 this Section, plus an amount determined by the Board to be  
18 equal to the employer's normal cost of the benefit plus  
19 interest, but with all of the interest calculated from the date  
20 the employee last became a member of the System or November 19,  
21 1991, whichever is later, to the date of payment, an employee  
22 may establish service credit for a period of up to 4 years  
23 spent in active military service for which he does not qualify  
24 for credit under Section 14-105, provided that (1) he was not  
25 dishonorably discharged from such military service, and (2) the  
26 amount of service credit established by a member under this

1 subsection (j), when added to the amount of military service  
2 credit granted to the member under subsection (b) of Section  
3 14-105, shall not exceed 5 years. The change in the manner of  
4 calculating interest under this subsection (j) made by this  
5 amendatory Act of the 92nd General Assembly applies to credit  
6 purchased by an employee on or after its effective date and  
7 does not entitle any person to a refund of contributions or  
8 interest already paid. In compliance with Section 14-152.1 of  
9 this Act concerning new benefit increases, any new benefit  
10 increase as a result of the changes to this subsection (j) made  
11 by Public Act 95-483 is funded through the employee  
12 contributions provided for in this subsection (j). Any new  
13 benefit increase as a result of the changes made to this  
14 subsection (j) by Public Act 95-483 is exempt from the  
15 provisions of subsection (d) of Section 14-152.1.

16 (k) An employee who was employed on a full-time basis by  
17 the Illinois State's Attorneys Association Statewide Appellate  
18 Assistance Service LEAA-ILEC grant project prior to the time  
19 that project became the State's Attorneys Appellate Service  
20 Commission, now the Office of the State's Attorneys Appellate  
21 Prosecutor, an agency of State government, may establish  
22 creditable service for not more than 60 months service for such  
23 employment by making contributions required under this  
24 Section.

25 (l) By paying the contributions otherwise required under  
26 this Section, plus an amount determined by the Board to be

1 equal to the employer's normal cost of the benefit plus  
2 interest, a member may establish service credit for periods of  
3 less than one year spent on authorized leave of absence from  
4 service, provided that (1) the period of leave began on or  
5 after January 1, 1982 and (2) any credit established by the  
6 member for the period of leave in any other public employee  
7 retirement system has been terminated. A member may establish  
8 service credit under this subsection for more than one period  
9 of authorized leave, and in that case the total period of  
10 service credit established by the member under this subsection  
11 may exceed one year. In determining the contributions required  
12 for establishing service credit under this subsection, the  
13 interest shall be calculated from the beginning of the leave of  
14 absence to the date of payment.

15 (1-5) By paying the contributions otherwise required under  
16 this Section, plus an amount determined by the Board to be  
17 equal to the employer's normal cost of the benefit plus  
18 interest, a member may establish service credit for periods of  
19 up to 2 years spent on authorized leave of absence from  
20 service, provided that during that leave the member represented  
21 or was employed as an officer or employee of a statewide labor  
22 organization that represents members of this System. In  
23 determining the contributions required for establishing  
24 service credit under this subsection, the interest shall be  
25 calculated from the beginning of the leave of absence to the  
26 date of payment.

1           (m) Any person who rendered contractual services to a  
2 member of the General Assembly as a worker in the member's  
3 district office may establish creditable service for up to 3  
4 years of those contractual services by making the contributions  
5 required under this Section. The System shall determine a  
6 full-time salary equivalent for the purpose of calculating the  
7 required contribution. To establish credit under this  
8 subsection, the applicant must apply to the System by March 1,  
9 1998.

10          (n) Any person who rendered contractual services to a  
11 member of the General Assembly as a worker providing  
12 constituent services to persons in the member's district may  
13 establish creditable service for up to 8 years of those  
14 contractual services by making the contributions required  
15 under this Section. The System shall determine a full-time  
16 salary equivalent for the purpose of calculating the required  
17 contribution. To establish credit under this subsection, the  
18 applicant must apply to the System by March 1, 1998.

19          (o) A member who participated in the Illinois Legislative  
20 Staff Internship Program may establish creditable service for  
21 up to one year of that participation by making the contribution  
22 required under this Section. The System shall determine a  
23 full-time salary equivalent for the purpose of calculating the  
24 required contribution. Credit may not be established under this  
25 subsection for any period for which service credit is  
26 established under any other provision of this Code.

1           (p) By paying the contributions otherwise required under  
2 this Section, plus an amount determined by the Board to be  
3 equal to the employer's normal cost of the benefit plus  
4 interest, a member may establish service credit for a period of  
5 up to 8 years during which he or she was employed by the  
6 Visually Handicapped Managers of Illinois in a vending program  
7 operated under a contractual agreement with the Department of  
8 Rehabilitation Services or its successor agency.

9           This subsection (p) applies without regard to whether the  
10 person was in service on or after the effective date of this  
11 amendatory Act of the 94th General Assembly. In the case of a  
12 person who is receiving a retirement annuity on that effective  
13 date, the increase, if any, shall begin to accrue on the first  
14 annuity payment date following receipt by the System of the  
15 contributions required under this subsection (p).

16           (q) By paying the required contributions under this  
17 Section, plus an amount determined by the Board to be equal to  
18 the employer's normal cost of the benefit plus interest, an  
19 employee who was laid off but returned to State employment  
20 under circumstances in which the employee is considered to have  
21 been in continuous service for purposes of determining  
22 seniority may establish creditable service for the period of  
23 the layoff, provided that (1) the applicant applies for the  
24 creditable service under this subsection (q) within 6 months  
25 after the effective date of this amendatory Act of the 94th  
26 General Assembly, (2) the applicant does not receive credit for

1 that period under any other provision of this Code, (3) at the  
2 time of the layoff, the applicant is not in an initial  
3 probationary status consistent with the rules of the Department  
4 of Central Management Services, and (4) the total amount of  
5 creditable service established by the applicant under this  
6 subsection (q) does not exceed 3 years. For service established  
7 under this subsection (q), the required employee contribution  
8 shall be based on the rate of compensation earned by the  
9 employee on the date of returning to employment after the  
10 layoff and the contribution rate then in effect, and the  
11 required interest shall be calculated from the date of  
12 returning to employment after the layoff to the date of  
13 payment.

14 (r) A member who participated in the University of Illinois  
15 Government Public Service Internship Program (GPSI) may  
16 establish creditable service for up to 2 years of that  
17 participation by making the contribution required under this  
18 Section, plus an amount determined by the Board to be equal to  
19 the employer's normal cost of the benefit plus interest. The  
20 System shall determine a full-time salary equivalent for the  
21 purpose of calculating the required contribution. Credit may  
22 not be established under this subsection for any period for  
23 which service credit is established under any other provision  
24 of this Code.

25 (s) A member who worked as a nurse under a contractual  
26 agreement for the Department of Public Aid, or its successor

1 agency, the Department of Human Services, in the Client  
2 Assessment Unit and was subsequently determined to be a State  
3 employee by the United States Internal Revenue Service and the  
4 Illinois Labor Relations Board may establish creditable  
5 service for those contractual services by making the  
6 contributions required under this Section. To establish credit  
7 under this subsection, the applicant must apply to the System  
8 by July 1, 2008.

9 The Department of Human Services shall pay an employer  
10 contribution based upon an amount determined by the Board to be  
11 equal to the employer's normal cost of the benefit, plus  
12 interest.

13 In compliance with Section 14-152.1 added by Public Act  
14 94-4, the cost of the benefits provided by Public Act 95-583  
15 are offset by the required employee and employer contributions.

16 (t) Any person who rendered contractual services on a  
17 full-time basis to the Illinois Institute of Natural Resources  
18 and the Illinois Department of Energy and Natural Resources may  
19 establish creditable service for up to 4 years of those  
20 contractual services by making the contributions required  
21 under this Section, plus an amount determined by the Board to  
22 be equal to the employer's normal cost of the benefit plus  
23 interest at the actuarially assumed rate from the first day of  
24 the service for which credit is being established to the date  
25 of payment. To establish credit under this subsection (t), the  
26 applicant must apply to the System within 6 months after August

1 28, 2009 (the effective date of Public Act 96-775) ~~this~~  
2 ~~amendatory Act of the 96th General Assembly.~~

3 (u) ~~(t)~~ A member may establish creditable service and  
4 earnings credit for a period of voluntary or involuntary  
5 furlough, not exceeding 5 days, beginning on or after July 1,  
6 2008 and ending on or before June 30, 2009, that is utilized as  
7 a means of addressing a State fiscal emergency. To receive this  
8 credit, the member must apply in writing to the System before  
9 July 1, 2012, and make contributions required under this  
10 Section, plus an amount determined by the Board to be equal to  
11 the employer's normal cost of the benefit, plus interest at the  
12 actuarially assumed rate.

13 (v) ~~(t)~~ Any member who rendered full-time contractual  
14 services to an Illinois Veterans Home operated by the  
15 Department of Veterans' Affairs may establish service credit  
16 for up to 8 years of such services by making the contributions  
17 required under this Section, plus an amount determined by the  
18 Board to be equal to the employer's normal cost of the benefit,  
19 plus interest at the actuarially assumed rate. To establish  
20 credit under this subsection, the applicant must apply to the  
21 System no later than 6 months after July 27, 2009 (the  
22 effective date of Public Act 96-97) ~~this amendatory Act of the~~  
23 ~~96th General Assembly.~~

24 (Source: P.A. 95-483, eff. 8-28-07; 95-583, eff. 8-31-07;  
25 95-652, eff. 10-11-07; 95-876, eff. 8-21-08; 96-97, eff.  
26 7-27-09; 96-718, eff. 8-25-09; 96-775, eff. 8-28-09; revised

1 9-9-09.)

2 (40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)

3 Sec. 14-110. Alternative retirement annuity.

4 (a) Any member who has withdrawn from service with not less  
5 than 20 years of eligible creditable service and has attained  
6 age 55, and any member who has withdrawn from service with not  
7 less than 25 years of eligible creditable service and has  
8 attained age 50, regardless of whether the attainment of either  
9 of the specified ages occurs while the member is still in  
10 service, shall be entitled to receive at the option of the  
11 member, in lieu of the regular or minimum retirement annuity, a  
12 retirement annuity computed as follows:

13 (i) for periods of service as a noncovered employee: if  
14 retirement occurs on or after January 1, 2001, 3% of final  
15 average compensation for each year of creditable service;  
16 if retirement occurs before January 1, 2001, 2 1/4% of  
17 final average compensation for each of the first 10 years  
18 of creditable service, 2 1/2% for each year above 10 years  
19 to and including 20 years of creditable service, and 2 3/4%  
20 for each year of creditable service above 20 years; and

21 (ii) for periods of eligible creditable service as a  
22 covered employee: if retirement occurs on or after January  
23 1, 2001, 2.5% of final average compensation for each year  
24 of creditable service; if retirement occurs before January  
25 1, 2001, 1.67% of final average compensation for each of

1 the first 10 years of such service, 1.90% for each of the  
2 next 10 years of such service, 2.10% for each year of such  
3 service in excess of 20 but not exceeding 30, and 2.30% for  
4 each year in excess of 30.

5 Such annuity shall be subject to a maximum of 75% of final  
6 average compensation if retirement occurs before January 1,  
7 2001 or to a maximum of 80% of final average compensation if  
8 retirement occurs on or after January 1, 2001.

9 These rates shall not be applicable to any service  
10 performed by a member as a covered employee which is not  
11 eligible creditable service. Service as a covered employee  
12 which is not eligible creditable service shall be subject to  
13 the rates and provisions of Section 14-108.

14 (b) For the purpose of this Section, "eligible creditable  
15 service" means creditable service resulting from service in one  
16 or more of the following positions:

17 (1) State policeman;

18 (2) fire fighter in the fire protection service of a  
19 department;

20 (3) air pilot;

21 (4) special agent;

22 (5) investigator for the Secretary of State;

23 (6) conservation police officer;

24 (7) investigator for the Department of Revenue or the  
25 Illinois Gaming Board;

26 (8) security employee of the Department of Human

1 Services;

2 (9) Central Management Services security police  
3 officer;

4 (10) security employee of the Department of  
5 Corrections or the Department of Juvenile Justice;

6 (11) dangerous drugs investigator;

7 (12) investigator for the Department of State Police;

8 (13) investigator for the Office of the Attorney  
9 General;

10 (14) controlled substance inspector;

11 (15) investigator for the Office of the State's  
12 Attorneys Appellate Prosecutor;

13 (16) Commerce Commission police officer;

14 (17) arson investigator;

15 (18) State highway maintenance worker.

16 A person employed in one of the positions specified in this  
17 subsection is entitled to eligible creditable service for  
18 service credit earned under this Article while undergoing the  
19 basic police training course approved by the Illinois Law  
20 Enforcement Training Standards Board, if completion of that  
21 training is required of persons serving in that position. For  
22 the purposes of this Code, service during the required basic  
23 police training course shall be deemed performance of the  
24 duties of the specified position, even though the person is not  
25 a sworn peace officer at the time of the training.

26 (c) For the purposes of this Section:

1           (1) The term "state policeman" includes any title or  
2 position in the Department of State Police that is held by  
3 an individual employed under the State Police Act.

4           (2) The term "fire fighter in the fire protection  
5 service of a department" includes all officers in such fire  
6 protection service including fire chiefs and assistant  
7 fire chiefs.

8           (3) The term "air pilot" includes any employee whose  
9 official job description on file in the Department of  
10 Central Management Services, or in the department by which  
11 he is employed if that department is not covered by the  
12 Personnel Code, states that his principal duty is the  
13 operation of aircraft, and who possesses a pilot's license;  
14 however, the change in this definition made by this  
15 amendatory Act of 1983 shall not operate to exclude any  
16 noncovered employee who was an "air pilot" for the purposes  
17 of this Section on January 1, 1984.

18           (4) The term "special agent" means any person who by  
19 reason of employment by the Division of Narcotic Control,  
20 the Bureau of Investigation or, after July 1, 1977, the  
21 Division of Criminal Investigation, the Division of  
22 Internal Investigation, the Division of Operations, or any  
23 other Division or organizational entity in the Department  
24 of State Police is vested by law with duties to maintain  
25 public order, investigate violations of the criminal law of  
26 this State, enforce the laws of this State, make arrests

1 and recover property. The term "special agent" includes any  
2 title or position in the Department of State Police that is  
3 held by an individual employed under the State Police Act.

4 (5) The term "investigator for the Secretary of State"  
5 means any person employed by the Office of the Secretary of  
6 State and vested with such investigative duties as render  
7 him ineligible for coverage under the Social Security Act  
8 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and  
9 218(1)(1) of that Act.

10 A person who became employed as an investigator for the  
11 Secretary of State between January 1, 1967 and December 31,  
12 1975, and who has served as such until attainment of age  
13 60, either continuously or with a single break in service  
14 of not more than 3 years duration, which break terminated  
15 before January 1, 1976, shall be entitled to have his  
16 retirement annuity calculated in accordance with  
17 subsection (a), notwithstanding that he has less than 20  
18 years of credit for such service.

19 (6) The term "Conservation Police Officer" means any  
20 person employed by the Division of Law Enforcement of the  
21 Department of Natural Resources and vested with such law  
22 enforcement duties as render him ineligible for coverage  
23 under the Social Security Act by reason of Sections  
24 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of that Act. The  
25 term "Conservation Police Officer" includes the positions  
26 of Chief Conservation Police Administrator and Assistant

1 Conservation Police Administrator.

2 (7) The term "investigator for the Department of  
3 Revenue" means any person employed by the Department of  
4 Revenue and vested with such investigative duties as render  
5 him ineligible for coverage under the Social Security Act  
6 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and  
7 218(1)(1) of that Act.

8 The term "investigator for the Illinois Gaming Board"  
9 means any person employed as such by the Illinois Gaming  
10 Board and vested with such peace officer duties as render  
11 the person ineligible for coverage under the Social  
12 Security Act by reason of Sections 218(d)(5)(A),  
13 218(d)(8)(D), and 218(1)(1) of that Act.

14 (8) The term "security employee of the Department of  
15 Human Services" means any person employed by the Department  
16 of Human Services who (i) is employed at the Chester Mental  
17 Health Center and has daily contact with the residents  
18 thereof, (ii) is employed within a security unit at a  
19 facility operated by the Department and has daily contact  
20 with the residents of the security unit, (iii) is employed  
21 at a facility operated by the Department that includes a  
22 security unit and is regularly scheduled to work at least  
23 50% of his or her working hours within that security unit,  
24 or (iv) is a mental health police officer. "Mental health  
25 police officer" means any person employed by the Department  
26 of Human Services in a position pertaining to the

1 Department's mental health and developmental disabilities  
2 functions who is vested with such law enforcement duties as  
3 render the person ineligible for coverage under the Social  
4 Security Act by reason of Sections 218(d)(5)(A),  
5 218(d)(8)(D) and 218(1)(1) of that Act. "Security unit"  
6 means that portion of a facility that is devoted to the  
7 care, containment, and treatment of persons committed to  
8 the Department of Human Services as sexually violent  
9 persons, persons unfit to stand trial, or persons not  
10 guilty by reason of insanity. With respect to past  
11 employment, references to the Department of Human Services  
12 include its predecessor, the Department of Mental Health  
13 and Developmental Disabilities.

14 The changes made to this subdivision (c)(8) by Public  
15 Act 92-14 apply to persons who retire on or after January  
16 1, 2001, notwithstanding Section 1-103.1.

17 (9) "Central Management Services security police  
18 officer" means any person employed by the Department of  
19 Central Management Services who is vested with such law  
20 enforcement duties as render him ineligible for coverage  
21 under the Social Security Act by reason of Sections  
22 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

23 (10) For a member who first became an employee under  
24 this Article before July 1, 2005, the term "security  
25 employee of the Department of Corrections or the Department  
26 of Juvenile Justice" means any employee of the Department

1 of Corrections or the Department of Juvenile Justice or the  
2 former Department of Personnel, and any member or employee  
3 of the Prisoner Review Board, who has daily contact with  
4 inmates or youth by working within a correctional facility  
5 or Juvenile facility operated by the Department of Juvenile  
6 Justice or who is a parole officer or an employee who has  
7 direct contact with committed persons in the performance of  
8 his or her job duties. For a member who first becomes an  
9 employee under this Article on or after July 1, 2005, the  
10 term means an employee of the Department of Corrections or  
11 the Department of Juvenile Justice who is any of the  
12 following: (i) officially headquartered at a correctional  
13 facility or Juvenile facility operated by the Department of  
14 Juvenile Justice, (ii) a parole officer, (iii) a member of  
15 the apprehension unit, (iv) a member of the intelligence  
16 unit, (v) a member of the sort team, or (vi) an  
17 investigator.

18 (11) The term "dangerous drugs investigator" means any  
19 person who is employed as such by the Department of Human  
20 Services.

21 (12) The term "investigator for the Department of State  
22 Police" means a person employed by the Department of State  
23 Police who is vested under Section 4 of the Narcotic  
24 Control Division Abolition Act with such law enforcement  
25 powers as render him ineligible for coverage under the  
26 Social Security Act by reason of Sections 218(d)(5)(A),

1 218(d)(8)(D) and 218(1)(1) of that Act.

2 (13) "Investigator for the Office of the Attorney  
3 General" means any person who is employed as such by the  
4 Office of the Attorney General and is vested with such  
5 investigative duties as render him ineligible for coverage  
6 under the Social Security Act by reason of Sections  
7 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act. For  
8 the period before January 1, 1989, the term includes all  
9 persons who were employed as investigators by the Office of  
10 the Attorney General, without regard to social security  
11 status.

12 (14) "Controlled substance inspector" means any person  
13 who is employed as such by the Department of Professional  
14 Regulation and is vested with such law enforcement duties  
15 as render him ineligible for coverage under the Social  
16 Security Act by reason of Sections 218(d)(5)(A),  
17 218(d)(8)(D) and 218(1)(1) of that Act. The term  
18 "controlled substance inspector" includes the Program  
19 Executive of Enforcement and the Assistant Program  
20 Executive of Enforcement.

21 (15) The term "investigator for the Office of the  
22 State's Attorneys Appellate Prosecutor" means a person  
23 employed in that capacity on a full time basis under the  
24 authority of Section 7.06 of the State's Attorneys  
25 Appellate Prosecutor's Act.

26 (16) "Commerce Commission police officer" means any

1 person employed by the Illinois Commerce Commission who is  
2 vested with such law enforcement duties as render him  
3 ineligible for coverage under the Social Security Act by  
4 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and  
5 218(1)(1) of that Act.

6 (17) "Arson investigator" means any person who is  
7 employed as such by the Office of the State Fire Marshal  
8 and is vested with such law enforcement duties as render  
9 the person ineligible for coverage under the Social  
10 Security Act by reason of Sections 218(d)(5)(A),  
11 218(d)(8)(D), and 218(1)(1) of that Act. A person who was  
12 employed as an arson investigator on January 1, 1995 and is  
13 no longer in service but not yet receiving a retirement  
14 annuity may convert his or her creditable service for  
15 employment as an arson investigator into eligible  
16 creditable service by paying to the System the difference  
17 between the employee contributions actually paid for that  
18 service and the amounts that would have been contributed if  
19 the applicant were contributing at the rate applicable to  
20 persons with the same social security status earning  
21 eligible creditable service on the date of application.

22 (18) The term "State highway maintenance worker" means  
23 a person who is either of the following:

24 (i) A person employed on a full-time basis by the  
25 Illinois Department of Transportation in the position  
26 of highway maintainer, highway maintenance lead

1 worker, highway maintenance lead/lead worker, heavy  
2 construction equipment operator, power shovel  
3 operator, or bridge mechanic; and whose principal  
4 responsibility is to perform, on the roadway, the  
5 actual maintenance necessary to keep the highways that  
6 form a part of the State highway system in serviceable  
7 condition for vehicular traffic.

8 (ii) A person employed on a full-time basis by the  
9 Illinois State Toll Highway Authority in the position  
10 of equipment operator/laborer H-4, equipment  
11 operator/laborer H-6, welder H-4, welder H-6,  
12 mechanical/electrical H-4, mechanical/electrical H-6,  
13 water/sewer H-4, water/sewer H-6, sign maker/hanger  
14 H-4, sign maker/hanger H-6, roadway lighting H-4,  
15 roadway lighting H-6, structural H-4, structural H-6,  
16 painter H-4, or painter H-6; and whose principal  
17 responsibility is to perform, on the roadway, the  
18 actual maintenance necessary to keep the Authority's  
19 tollways in serviceable condition for vehicular  
20 traffic.

21 (d) A security employee of the Department of Corrections or  
22 the Department of Juvenile Justice, and a security employee of  
23 the Department of Human Services who is not a mental health  
24 police officer, shall not be eligible for the alternative  
25 retirement annuity provided by this Section unless he or she  
26 meets the following minimum age and service requirements at the

1 time of retirement:

2 (i) 25 years of eligible creditable service and age 55;

3 or

4 (ii) beginning January 1, 1987, 25 years of eligible  
5 creditable service and age 54, or 24 years of eligible  
6 creditable service and age 55; or

7 (iii) beginning January 1, 1988, 25 years of eligible  
8 creditable service and age 53, or 23 years of eligible  
9 creditable service and age 55; or

10 (iv) beginning January 1, 1989, 25 years of eligible  
11 creditable service and age 52, or 22 years of eligible  
12 creditable service and age 55; or

13 (v) beginning January 1, 1990, 25 years of eligible  
14 creditable service and age 51, or 21 years of eligible  
15 creditable service and age 55; or

16 (vi) beginning January 1, 1991, 25 years of eligible  
17 creditable service and age 50, or 20 years of eligible  
18 creditable service and age 55.

19 Persons who have service credit under Article 16 of this  
20 Code for service as a security employee of the Department of  
21 Corrections or the Department of Juvenile Justice, or the  
22 Department of Human Services in a position requiring  
23 certification as a teacher may count such service toward  
24 establishing their eligibility under the service requirements  
25 of this Section; but such service may be used only for  
26 establishing such eligibility, and not for the purpose of

1 increasing or calculating any benefit.

2 (e) If a member enters military service while working in a  
3 position in which eligible creditable service may be earned,  
4 and returns to State service in the same or another such  
5 position, and fulfills in all other respects the conditions  
6 prescribed in this Article for credit for military service,  
7 such military service shall be credited as eligible creditable  
8 service for the purposes of the retirement annuity prescribed  
9 in this Section.

10 (f) For purposes of calculating retirement annuities under  
11 this Section, periods of service rendered after December 31,  
12 1968 and before October 1, 1975 as a covered employee in the  
13 position of special agent, conservation police officer, mental  
14 health police officer, or investigator for the Secretary of  
15 State, shall be deemed to have been service as a noncovered  
16 employee, provided that the employee pays to the System prior  
17 to retirement an amount equal to (1) the difference between the  
18 employee contributions that would have been required for such  
19 service as a noncovered employee, and the amount of employee  
20 contributions actually paid, plus (2) if payment is made after  
21 July 31, 1987, regular interest on the amount specified in item  
22 (1) from the date of service to the date of payment.

23 For purposes of calculating retirement annuities under  
24 this Section, periods of service rendered after December 31,  
25 1968 and before January 1, 1982 as a covered employee in the  
26 position of investigator for the Department of Revenue shall be

1 deemed to have been service as a noncovered employee, provided  
2 that the employee pays to the System prior to retirement an  
3 amount equal to (1) the difference between the employee  
4 contributions that would have been required for such service as  
5 a noncovered employee, and the amount of employee contributions  
6 actually paid, plus (2) if payment is made after January 1,  
7 1990, regular interest on the amount specified in item (1) from  
8 the date of service to the date of payment.

9 (g) A State policeman may elect, not later than January 1,  
10 1990, to establish eligible creditable service for up to 10  
11 years of his service as a policeman under Article 3, by filing  
12 a written election with the Board, accompanied by payment of an  
13 amount to be determined by the Board, equal to (i) the  
14 difference between the amount of employee and employer  
15 contributions transferred to the System under Section 3-110.5,  
16 and the amounts that would have been contributed had such  
17 contributions been made at the rates applicable to State  
18 policemen, plus (ii) interest thereon at the effective rate for  
19 each year, compounded annually, from the date of service to the  
20 date of payment.

21 Subject to the limitation in subsection (i), a State  
22 policeman may elect, not later than July 1, 1993, to establish  
23 eligible creditable service for up to 10 years of his service  
24 as a member of the County Police Department under Article 9, by  
25 filing a written election with the Board, accompanied by  
26 payment of an amount to be determined by the Board, equal to

1 (i) the difference between the amount of employee and employer  
2 contributions transferred to the System under Section 9-121.10  
3 and the amounts that would have been contributed had those  
4 contributions been made at the rates applicable to State  
5 policemen, plus (ii) interest thereon at the effective rate for  
6 each year, compounded annually, from the date of service to the  
7 date of payment.

8 (h) Subject to the limitation in subsection (i), a State  
9 policeman or investigator for the Secretary of State may elect  
10 to establish eligible creditable service for up to 12 years of  
11 his service as a policeman under Article 5, by filing a written  
12 election with the Board on or before January 31, 1992, and  
13 paying to the System by January 31, 1994 an amount to be  
14 determined by the Board, equal to (i) the difference between  
15 the amount of employee and employer contributions transferred  
16 to the System under Section 5-236, and the amounts that would  
17 have been contributed had such contributions been made at the  
18 rates applicable to State policemen, plus (ii) interest thereon  
19 at the effective rate for each year, compounded annually, from  
20 the date of service to the date of payment.

21 Subject to the limitation in subsection (i), a State  
22 policeman, conservation police officer, or investigator for  
23 the Secretary of State may elect to establish eligible  
24 creditable service for up to 10 years of service as a sheriff's  
25 law enforcement employee under Article 7, by filing a written  
26 election with the Board on or before January 31, 1993, and

1 paying to the System by January 31, 1994 an amount to be  
2 determined by the Board, equal to (i) the difference between  
3 the amount of employee and employer contributions transferred  
4 to the System under Section 7-139.7, and the amounts that would  
5 have been contributed had such contributions been made at the  
6 rates applicable to State policemen, plus (ii) interest thereon  
7 at the effective rate for each year, compounded annually, from  
8 the date of service to the date of payment.

9 Subject to the limitation in subsection (i), a State  
10 policeman, conservation police officer, or investigator for  
11 the Secretary of State may elect to establish eligible  
12 creditable service for up to 5 years of service as a police  
13 officer under Article 3, a policeman under Article 5, a  
14 sheriff's law enforcement employee under Article 7, a member of  
15 the county police department under Article 9, or a police  
16 officer under Article 15 by filing a written election with the  
17 Board and paying to the System an amount to be determined by  
18 the Board, equal to (i) the difference between the amount of  
19 employee and employer contributions transferred to the System  
20 under Section 3-110.6, 5-236, 7-139.8, 9-121.10, or 15-134.4  
21 and the amounts that would have been contributed had such  
22 contributions been made at the rates applicable to State  
23 policemen, plus (ii) interest thereon at the effective rate for  
24 each year, compounded annually, from the date of service to the  
25 date of payment.

26 Subject to the limitation in subsection (i), an

1 investigator for the Office of the Attorney General, or an  
2 investigator for the Department of Revenue, may elect to  
3 establish eligible creditable service for up to 5 years of  
4 service as a police officer under Article 3, a policeman under  
5 Article 5, a sheriff's law enforcement employee under Article  
6 7, or a member of the county police department under Article 9  
7 by filing a written election with the Board within 6 months  
8 after August 25, 2009 (the effective date of Public Act 96-745)  
9 ~~this amendatory Act of the 96th General Assembly~~ and paying to  
10 the System an amount to be determined by the Board, equal to  
11 (i) the difference between the amount of employee and employer  
12 contributions transferred to the System under Section 3-110.6,  
13 5-236, 7-139.8, or 9-121.10 and the amounts that would have  
14 been contributed had such contributions been made at the rates  
15 applicable to State policemen, plus (ii) interest thereon at  
16 the actuarially assumed rate for each year, compounded  
17 annually, from the date of service to the date of payment.

18 Subject to the limitation in subsection (i), a State  
19 policeman, conservation police officer, investigator for the  
20 Office of the Attorney General, an investigator for the  
21 Department of Revenue, or investigator for the Secretary of  
22 State may elect to establish eligible creditable service for up  
23 to 5 years of service as a person employed by a participating  
24 municipality to perform police duties, or law enforcement  
25 officer employed on a full-time basis by a forest preserve  
26 district under Article 7, a county corrections officer, or a

1 court services officer under Article 9, by filing a written  
2 election with the Board within 6 months after August 25, 2009  
3 (the effective date of Public Act 96-745) ~~this amendatory Act~~  
4 ~~of the 96th General Assembly~~ and paying to the System an amount  
5 to be determined by the Board, equal to (i) the difference  
6 between the amount of employee and employer contributions  
7 transferred to the System under Sections 7-139.8 and 9-121.10  
8 and the amounts that would have been contributed had such  
9 contributions been made at the rates applicable to State  
10 policemen, plus (ii) interest thereon at the actuarially  
11 assumed rate for each year, compounded annually, from the date  
12 of service to the date of payment.

13 (i) The total amount of eligible creditable service  
14 established by any person under subsections (g), (h), (j), (k),  
15 and (l) of this Section shall not exceed 12 years.

16 (j) Subject to the limitation in subsection (i), an  
17 investigator for the Office of the State's Attorneys Appellate  
18 Prosecutor or a controlled substance inspector may elect to  
19 establish eligible creditable service for up to 10 years of his  
20 service as a policeman under Article 3 or a sheriff's law  
21 enforcement employee under Article 7, by filing a written  
22 election with the Board, accompanied by payment of an amount to  
23 be determined by the Board, equal to (1) the difference between  
24 the amount of employee and employer contributions transferred  
25 to the System under Section 3-110.6 or 7-139.8, and the amounts  
26 that would have been contributed had such contributions been

1 made at the rates applicable to State policemen, plus (2)  
2 interest thereon at the effective rate for each year,  
3 compounded annually, from the date of service to the date of  
4 payment.

5 (k) Subject to the limitation in subsection (i) of this  
6 Section, an alternative formula employee may elect to establish  
7 eligible creditable service for periods spent as a full-time  
8 law enforcement officer or full-time corrections officer  
9 employed by the federal government or by a state or local  
10 government located outside of Illinois, for which credit is not  
11 held in any other public employee pension fund or retirement  
12 system. To obtain this credit, the applicant must file a  
13 written application with the Board by March 31, 1998,  
14 accompanied by evidence of eligibility acceptable to the Board  
15 and payment of an amount to be determined by the Board, equal  
16 to (1) employee contributions for the credit being established,  
17 based upon the applicant's salary on the first day as an  
18 alternative formula employee after the employment for which  
19 credit is being established and the rates then applicable to  
20 alternative formula employees, plus (2) an amount determined by  
21 the Board to be the employer's normal cost of the benefits  
22 accrued for the credit being established, plus (3) regular  
23 interest on the amounts in items (1) and (2) from the first day  
24 as an alternative formula employee after the employment for  
25 which credit is being established to the date of payment.

26 (l) Subject to the limitation in subsection (i), a security

1 employee of the Department of Corrections may elect, not later  
2 than July 1, 1998, to establish eligible creditable service for  
3 up to 10 years of his or her service as a policeman under  
4 Article 3, by filing a written election with the Board,  
5 accompanied by payment of an amount to be determined by the  
6 Board, equal to (i) the difference between the amount of  
7 employee and employer contributions transferred to the System  
8 under Section 3-110.5, and the amounts that would have been  
9 contributed had such contributions been made at the rates  
10 applicable to security employees of the Department of  
11 Corrections, plus (ii) interest thereon at the effective rate  
12 for each year, compounded annually, from the date of service to  
13 the date of payment.

14 (m) The amendatory changes to this Section made by this  
15 amendatory Act of the 94th General Assembly apply only to: (1)  
16 security employees of the Department of Juvenile Justice  
17 employed by the Department of Corrections before the effective  
18 date of this amendatory Act of the 94th General Assembly and  
19 transferred to the Department of Juvenile Justice by this  
20 amendatory Act of the 94th General Assembly; and (2) persons  
21 employed by the Department of Juvenile Justice on or after the  
22 effective date of this amendatory Act of the 94th General  
23 Assembly who are required by subsection (b) of Section 3-2.5-15  
24 of the Unified Code of Corrections to have a bachelor's or  
25 advanced degree from an accredited college or university with a  
26 specialization in criminal justice, education, psychology,

1 social work, or a closely related social science or, in the  
2 case of persons who provide vocational training, who are  
3 required to have adequate knowledge in the skill for which they  
4 are providing the vocational training.

5 (n) A person employed in a position under subsection (b) of  
6 this Section who has purchased service credit under subsection  
7 (j) of Section 14-104 or subsection (b) of Section 14-105 in  
8 any other capacity under this Article may convert up to 5 years  
9 of that service credit into service credit covered under this  
10 Section by paying to the Fund an amount equal to (1) the  
11 additional employee contribution required under Section  
12 14-133, plus (2) the additional employer contribution required  
13 under Section 14-131, plus (3) interest on items (1) and (2) at  
14 the actuarially assumed rate from the date of the service to  
15 the date of payment.

16 (Source: P.A. 95-530, eff. 8-28-07; 95-1036, eff. 2-17-09;  
17 96-37, eff. 7-13-09; 96-745, eff. 8-25-09; revised 10-1-09.)

18 (40 ILCS 5/14-131)

19 Sec. 14-131. Contributions by State.

20 (a) The State shall make contributions to the System by  
21 appropriations of amounts which, together with other employer  
22 contributions from trust, federal, and other funds, employee  
23 contributions, investment income, and other income, will be  
24 sufficient to meet the cost of maintaining and administering  
25 the System on a 90% funded basis in accordance with actuarial

1 recommendations.

2 For the purposes of this Section and Section 14-135.08,  
3 references to State contributions refer only to employer  
4 contributions and do not include employee contributions that  
5 are picked up or otherwise paid by the State or a department on  
6 behalf of the employee.

7 (b) The Board shall determine the total amount of State  
8 contributions required for each fiscal year on the basis of the  
9 actuarial tables and other assumptions adopted by the Board,  
10 using the formula in subsection (e).

11 The Board shall also determine a State contribution rate  
12 for each fiscal year, expressed as a percentage of payroll,  
13 based on the total required State contribution for that fiscal  
14 year (less the amount received by the System from  
15 appropriations under Section 8.12 of the State Finance Act and  
16 Section 1 of the State Pension Funds Continuing Appropriation  
17 Act, if any, for the fiscal year ending on the June 30  
18 immediately preceding the applicable November 15 certification  
19 deadline), the estimated payroll (including all forms of  
20 compensation) for personal services rendered by eligible  
21 employees, and the recommendations of the actuary.

22 For the purposes of this Section and Section 14.1 of the  
23 State Finance Act, the term "eligible employees" includes  
24 employees who participate in the System, persons who may elect  
25 to participate in the System but have not so elected, persons  
26 who are serving a qualifying period that is required for

1 participation, and annuitants employed by a department as  
2 described in subdivision (a) (1) or (a) (2) of Section 14-111.

3 (c) Contributions shall be made by the several departments  
4 for each pay period by warrants drawn by the State Comptroller  
5 against their respective funds or appropriations based upon  
6 vouchers stating the amount to be so contributed. These amounts  
7 shall be based on the full rate certified by the Board under  
8 Section 14-135.08 for that fiscal year. From the effective date  
9 of this amendatory Act of the 93rd General Assembly through the  
10 payment of the final payroll from fiscal year 2004  
11 appropriations, the several departments shall not make  
12 contributions for the remainder of fiscal year 2004 but shall  
13 instead make payments as required under subsection (a-1) of  
14 Section 14.1 of the State Finance Act. The several departments  
15 shall resume those contributions at the commencement of fiscal  
16 year 2005.

17 (c-1) Notwithstanding subsection (c) of this Section, for  
18 fiscal year 2010 only, contributions by the several departments  
19 are not required to be made for General Revenue Funds payrolls  
20 processed by the Comptroller. Payrolls paid by the several  
21 departments from all other State funds must continue to be  
22 processed pursuant to subsection (c) of this Section.

23 (c-2) For State fiscal year 2010 only, on or as soon as  
24 possible after the 15th day of each month the Board shall  
25 submit vouchers for payment of State contributions to the  
26 System, in a total monthly amount of one-twelfth of the fiscal

1 year 2010 General Revenue Fund appropriation to the System.

2 (d) If an employee is paid from trust funds or federal  
3 funds, the department or other employer shall pay employer  
4 contributions from those funds to the System at the certified  
5 rate, unless the terms of the trust or the federal-State  
6 agreement preclude the use of the funds for that purpose, in  
7 which case the required employer contributions shall be paid by  
8 the State. From the effective date of this amendatory Act of  
9 the 93rd General Assembly through the payment of the final  
10 payroll from fiscal year 2004 appropriations, the department or  
11 other employer shall not pay contributions for the remainder of  
12 fiscal year 2004 but shall instead make payments as required  
13 under subsection (a-1) of Section 14.1 of the State Finance  
14 Act. The department or other employer shall resume payment of  
15 contributions at the commencement of fiscal year 2005.

16 (e) For State fiscal years 2011 through 2045, the minimum  
17 contribution to the System to be made by the State for each  
18 fiscal year shall be an amount determined by the System to be  
19 sufficient to bring the total assets of the System up to 90% of  
20 the total actuarial liabilities of the System by the end of  
21 State fiscal year 2045. In making these determinations, the  
22 required State contribution shall be calculated each year as a  
23 level percentage of payroll over the years remaining to and  
24 including fiscal year 2045 and shall be determined under the  
25 projected unit credit actuarial cost method.

26 For State fiscal years 1996 through 2005, the State

1 contribution to the System, as a percentage of the applicable  
2 employee payroll, shall be increased in equal annual increments  
3 so that by State fiscal year 2011, the State is contributing at  
4 the rate required under this Section; except that (i) for State  
5 fiscal year 1998, for all purposes of this Code and any other  
6 law of this State, the certified percentage of the applicable  
7 employee payroll shall be 5.052% for employees earning eligible  
8 creditable service under Section 14-110 and 6.500% for all  
9 other employees, notwithstanding any contrary certification  
10 made under Section 14-135.08 before the effective date of this  
11 amendatory Act of 1997, and (ii) in the following specified  
12 State fiscal years, the State contribution to the System shall  
13 not be less than the following indicated percentages of the  
14 applicable employee payroll, even if the indicated percentage  
15 will produce a State contribution in excess of the amount  
16 otherwise required under this subsection and subsection (a):  
17 9.8% in FY 1999; 10.0% in FY 2000; 10.2% in FY 2001; 10.4% in FY  
18 2002; 10.6% in FY 2003; and 10.8% in FY 2004.

19 Notwithstanding any other provision of this Article, the  
20 total required State contribution to the System for State  
21 fiscal year 2006 is \$203,783,900.

22 Notwithstanding any other provision of this Article, the  
23 total required State contribution to the System for State  
24 fiscal year 2007 is \$344,164,400.

25 For each of State fiscal years 2008 through 2009, the State  
26 contribution to the System, as a percentage of the applicable

1 employee payroll, shall be increased in equal annual increments  
2 from the required State contribution for State fiscal year  
3 2007, so that by State fiscal year 2011, the State is  
4 contributing at the rate otherwise required under this Section.

5 Notwithstanding any other provision of this Article, the  
6 total required State General Revenue Fund contribution for  
7 State fiscal year 2010 is \$723,703,100 and shall be made from  
8 the proceeds of bonds sold in fiscal year 2010 pursuant to  
9 Section 7.2 of the General Obligation Bond Act, less (i) the  
10 pro rata share of bond sale expenses determined by the System's  
11 share of total bond proceeds, (ii) any amounts received from  
12 the General Revenue Fund in fiscal year 2010, and (iii) any  
13 reduction in bond proceeds due to the issuance of discounted  
14 bonds, if applicable.

15 Beginning in State fiscal year 2046, the minimum State  
16 contribution for each fiscal year shall be the amount needed to  
17 maintain the total assets of the System at 90% of the total  
18 actuarial liabilities of the System.

19 Amounts received by the System pursuant to Section 25 of  
20 the Budget Stabilization Act or Section 8.12 of the State  
21 Finance Act in any fiscal year do not reduce and do not  
22 constitute payment of any portion of the minimum State  
23 contribution required under this Article in that fiscal year.  
24 Such amounts shall not reduce, and shall not be included in the  
25 calculation of, the required State contributions under this  
26 Article in any future year until the System has reached a

1 funding ratio of at least 90%. A reference in this Article to  
2 the "required State contribution" or any substantially similar  
3 term does not include or apply to any amounts payable to the  
4 System under Section 25 of the Budget Stabilization Act.

5 Notwithstanding any other provision of this Section, the  
6 required State contribution for State fiscal year 2005 and for  
7 fiscal year 2008 and each fiscal year thereafter, as calculated  
8 under this Section and certified under Section 14-135.08, shall  
9 not exceed an amount equal to (i) the amount of the required  
10 State contribution that would have been calculated under this  
11 Section for that fiscal year if the System had not received any  
12 payments under subsection (d) of Section 7.2 of the General  
13 Obligation Bond Act, minus (ii) the portion of the State's  
14 total debt service payments for that fiscal year on the bonds  
15 issued for the purposes of that Section 7.2, as determined and  
16 certified by the Comptroller, that is the same as the System's  
17 portion of the total moneys distributed under subsection (d) of  
18 Section 7.2 of the General Obligation Bond Act. In determining  
19 this maximum for State fiscal years 2008 through 2010, however,  
20 the amount referred to in item (i) shall be increased, as a  
21 percentage of the applicable employee payroll, in equal  
22 increments calculated from the sum of the required State  
23 contribution for State fiscal year 2007 plus the applicable  
24 portion of the State's total debt service payments for fiscal  
25 year 2007 on the bonds issued for the purposes of Section 7.2  
26 of the General Obligation Bond Act, so that, by State fiscal

1 year 2011, the State is contributing at the rate otherwise  
2 required under this Section.

3 (f) After the submission of all payments for eligible  
4 employees from personal services line items in fiscal year 2004  
5 have been made, the Comptroller shall provide to the System a  
6 certification of the sum of all fiscal year 2004 expenditures  
7 for personal services that would have been covered by payments  
8 to the System under this Section if the provisions of this  
9 amendatory Act of the 93rd General Assembly had not been  
10 enacted. Upon receipt of the certification, the System shall  
11 determine the amount due to the System based on the full rate  
12 certified by the Board under Section 14-135.08 for fiscal year  
13 2004 in order to meet the State's obligation under this  
14 Section. The System shall compare this amount due to the amount  
15 received by the System in fiscal year 2004 through payments  
16 under this Section and under Section 6z-61 of the State Finance  
17 Act. If the amount due is more than the amount received, the  
18 difference shall be termed the "Fiscal Year 2004 Shortfall" for  
19 purposes of this Section, and the Fiscal Year 2004 Shortfall  
20 shall be satisfied under Section 1.2 of the State Pension Funds  
21 Continuing Appropriation Act. If the amount due is less than  
22 the amount received, the difference shall be termed the "Fiscal  
23 Year 2004 Overpayment" for purposes of this Section, and the  
24 Fiscal Year 2004 Overpayment shall be repaid by the System to  
25 the Pension Contribution Fund as soon as practicable after the  
26 certification.

1 (g) For purposes of determining the required State  
2 contribution to the System, the value of the System's assets  
3 shall be equal to the actuarial value of the System's assets,  
4 which shall be calculated as follows:

5 As of June 30, 2008, the actuarial value of the System's  
6 assets shall be equal to the market value of the assets as of  
7 that date. In determining the actuarial value of the System's  
8 assets for fiscal years after June 30, 2008, any actuarial  
9 gains or losses from investment return incurred in a fiscal  
10 year shall be recognized in equal annual amounts over the  
11 5-year period following that fiscal year.

12 (h) For purposes of determining the required State  
13 contribution to the System for a particular year, the actuarial  
14 value of assets shall be assumed to earn a rate of return equal  
15 to the System's actuarially assumed rate of return.

16 (i) ~~(g)~~ After the submission of all payments for eligible  
17 employees from personal services line items paid from the  
18 General Revenue Fund in fiscal year 2010 have been made, the  
19 Comptroller shall provide to the System a certification of the  
20 sum of all fiscal year 2010 expenditures for personal services  
21 that would have been covered by payments to the System under  
22 this Section if the provisions of this amendatory Act of the  
23 96th General Assembly had not been enacted. Upon receipt of the  
24 certification, the System shall determine the amount due to the  
25 System based on the full rate certified by the Board under  
26 Section 14-135.08 for fiscal year 2010 in order to meet the

1 State's obligation under this Section. The System shall compare  
2 this amount due to the amount received by the System in fiscal  
3 year 2010 through payments under this Section. If the amount  
4 due is more than the amount received, the difference shall be  
5 termed the "Fiscal Year 2010 Shortfall" for purposes of this  
6 Section, and the Fiscal Year 2010 Shortfall shall be satisfied  
7 under Section 1.2 of the State Pension Funds Continuing  
8 Appropriation Act. If the amount due is less than the amount  
9 received, the difference shall be termed the "Fiscal Year 2010  
10 Overpayment" for purposes of this Section, and the Fiscal Year  
11 2010 Overpayment shall be repaid by the System to the General  
12 Revenue Fund as soon as practicable after the certification.

13 (Source: P.A. 95-950, eff. 8-29-08; 96-43, eff. 7-15-09; 96-45,  
14 eff. 7-15-09; revised 11-3-09.)

15 (40 ILCS 5/15-159) (from Ch. 108 1/2, par. 15-159)

16 Sec. 15-159. Board created.

17 (a) A board of trustees constituted as provided in this  
18 Section shall administer this System. The board shall be known  
19 as the Board of Trustees of the State Universities Retirement  
20 System.

21 (b) Until July 1, 1995, the Board of Trustees shall be  
22 constituted as follows:

23 Two trustees shall be members of the Board of Trustees of  
24 the University of Illinois, one shall be a member of the Board  
25 of Trustees of Southern Illinois University, one shall be a

1 member of the Board of Trustees of Chicago State University,  
2 one shall be a member of the Board of Trustees of Eastern  
3 Illinois University, one shall be a member of the Board of  
4 Trustees of Governors State University, one shall be a member  
5 of the Board of Trustees of Illinois State University, one  
6 shall be a member of the Board of Trustees of Northeastern  
7 Illinois University, one shall be a member of the Board of  
8 Trustees of Northern Illinois University, one shall be a member  
9 of the Board of Trustees of Western Illinois University, and  
10 one shall be a member of the Illinois Community College Board,  
11 selected in each case by their respective boards, and 2 shall  
12 be participants of the system appointed by the Governor for a 6  
13 year term with the first appointment made pursuant to this  
14 amendatory Act of 1984 to be effective September 1, 1985, and  
15 one shall be a participant appointed by the Illinois Community  
16 College Board for a 6 year term, and one shall be a participant  
17 appointed by the Board of Trustees of the University of  
18 Illinois for a 6 year term, and one shall be a participant or  
19 annuitant of the system who is a senior citizen age 60 or older  
20 appointed by the Governor for a 6 year term with the first  
21 appointment to be effective September 1, 1985.

22 The terms of all trustees holding office under this  
23 subsection (b) on June 30, 1995 shall terminate at the end of  
24 that day and the Board shall thereafter be constituted as  
25 provided in subsection (c).

26 (c) Beginning July 1, 1995, the Board of Trustees shall be

1 constituted as follows:

2       The Board shall consist of 9 trustees appointed by the  
3 Governor. Two of the trustees, designated at the time of  
4 appointment, shall be participants of the System. Two of the  
5 trustees, designated at the time of appointment, shall be  
6 annuitants of the System who are receiving retirement annuities  
7 under this Article. The 5 remaining trustees may, but need not,  
8 be participants or annuitants of the System.

9       The term of office of trustees appointed under this  
10 subsection (c) shall be 6 years, beginning on July 1. However,  
11 of the initial trustees appointed under this subsection (c), 3  
12 shall be appointed for terms of 2 years, 3 shall be appointed  
13 for terms of 4 years, and 3 shall be appointed for terms of 6  
14 years, to be designated by the Governor at the time of  
15 appointment.

16       The terms of all trustees holding office under this  
17 subsection (c) on the effective date of this amendatory Act of  
18 the 96th General Assembly shall terminate on that effective  
19 date. The Governor shall make nominations for appointment under  
20 this Section within 60 days after the effective date of this  
21 amendatory Act of the 96th General Assembly. A trustee sitting  
22 on the board on the effective date of this amendatory Act of  
23 the 96th General Assembly may not hold over in office for more  
24 than 90 days after the effective date of this amendatory Act of  
25 the 96th General Assembly. Nothing in this Section shall  
26 prevent the Governor from making a temporary appointment or

1 nominating a trustee holding office on the day before the  
2 effective date of this amendatory Act of the 96th General  
3 Assembly.

4 (d) Beginning on the 90th day after the effective date of  
5 this amendatory Act of the 96th General Assembly, the Board of  
6 Trustees shall be constituted as follows:

7 (1) The Chairperson of the Board of Higher Education,  
8 who shall act as chairperson of this Board.

9 (2) Four trustees appointed by the Governor with the  
10 advice and consent of the Senate who may not be members of  
11 the system or hold an elective State office and who shall  
12 serve for a term of 6 years, except that the terms of the  
13 initial appointees under this subsection (d) shall be as  
14 follows: 2 for a term of 3 years and 2 for a term of 6  
15 years.

16 (3) Four active participants of the system to be  
17 elected from the contributing membership of the system by  
18 the contributing members, no more than 2 of which may be  
19 from any of the University of Illinois campuses, who shall  
20 serve for a term of 6 years, except that the terms of the  
21 initial electees shall be as follows: 2 for a term of 3  
22 years and 2 for a term of 6 years.

23 (4) Two annuitants of the system who have been  
24 annuitants for at least one full year, to be elected from  
25 and by the annuitants of the system, no more than one of  
26 which may be from any of the University of Illinois

1 campuses, who shall serve for a term of 6 years, except  
2 that the terms of the initial electees shall be as follows:  
3 one for a term of 3 years and one for a term of 6 years.

4 For the purposes of this Section, the Governor may make a  
5 nomination and the Senate may confirm the nominee in advance of  
6 the commencement of the nominee's term of office.

7 (e) The 6 elected trustees shall be elected within 90 days  
8 after the effective date of this amendatory Act of the 96th  
9 General Assembly for a term beginning on the 90th day after the  
10 effective date of this amendatory Act. Trustees shall be  
11 elected thereafter as terms expire for a 6-year term beginning  
12 July 15 next following their election, and such election shall  
13 be held on May 1, or on May 2 when May 1 falls on a Sunday. The  
14 board may establish rules for the election of trustees to  
15 implement the provisions of this amendatory Act of the 96th  
16 General Assembly and for future elections. Candidates for the  
17 participating trustee shall be nominated by petitions in  
18 writing, signed by not less than 400 participants with their  
19 addresses shown opposite their names. Candidates for the  
20 annuitant trustee shall be nominated by petitions in writing,  
21 signed by not less than 100 annuitants with their addresses  
22 shown opposite their names. If there is more than one qualified  
23 nominee for each elected trustee, then the board shall conduct  
24 a secret ballot election by mail for that trustee, in  
25 accordance with rules as established by the board. If there is  
26 only one qualified person nominated by petition for each

1 elected trustee, then the election as required by this Section  
2 shall not be conducted for that trustee and the board shall  
3 declare such nominee duly elected. A vacancy occurring in the  
4 elective membership of the board shall be filled for the  
5 unexpired term by the elected trustees serving on the board for  
6 the remainder of the term.

7 (f) A vacancy on the board of trustees caused by  
8 resignation, death, expiration of term of office, or other  
9 reason shall be filled by a qualified person appointed by the  
10 Governor for the remainder of the unexpired term.

11 (g) Trustees (other than the trustees incumbent on June 30,  
12 1995 or as provided in subsection (c) of this Section) shall  
13 continue in office until their respective successors are  
14 appointed and have qualified, except that a trustee appointed  
15 to one of the participant positions shall be disqualified  
16 immediately upon the termination of his or her status as a  
17 participant and a trustee appointed to one of the annuitant  
18 positions shall be disqualified immediately upon the  
19 termination of his or her status as an annuitant receiving a  
20 retirement annuity.

21 (h) Each trustee must take an oath of office before a  
22 notary public of this State and shall qualify as a trustee upon  
23 the presentation to the board of a certified copy of the oath.  
24 The oath must state that the person will diligently and  
25 honestly administer the affairs of the retirement system, and  
26 will not knowingly violate or wilfully permit to be violated

1 any provisions of this Article.

2 Each trustee shall serve without compensation but shall be  
3 reimbursed for expenses necessarily incurred in attending  
4 board meetings and carrying out his or her duties as a trustee  
5 or officer of the system.

6 (i) This amendatory Act of 1995 is intended to supersede  
7 the changes made to this Section by Public Act 89-4.

8 (Source: P.A. 96-6, eff. 4-3-09; revised 4-14-09.)

9 (40 ILCS 5/18-125) (from Ch. 108 1/2, par. 18-125)

10 Sec. 18-125. Retirement annuity amount.

11 (a) The annual retirement annuity for a participant who  
12 terminated service as a judge prior to July 1, 1971 shall be  
13 based on the law in effect at the time of termination of  
14 service.

15 (b) Effective July 1, 1971, the retirement annuity for any  
16 participant in service on or after such date shall be 3 1/2% of  
17 final average salary, as defined in this Section, for each of  
18 the first 10 years of service, and 5% of such final average  
19 salary for each year of service on excess of 10.

20 For purposes of this Section, final average salary for a  
21 participant who first serves as a judge before August 10, 2009  
22 (the effective date of Public Act 96-207) ~~this amendatory Act~~  
23 ~~of the 96th General Assembly~~ shall be:

24 (1) the average salary for the last 4 years of credited  
25 service as a judge for a participant who terminates service

1 before July 1, 1975.

2 (2) for a participant who terminates service after June  
3 30, 1975 and before July 1, 1982, the salary on the last  
4 day of employment as a judge.

5 (3) for any participant who terminates service after  
6 June 30, 1982 and before January 1, 1990, the average  
7 salary for the final year of service as a judge.

8 (4) for a participant who terminates service on or  
9 after January 1, 1990 but before the effective date of this  
10 amendatory Act of 1995, the salary on the last day of  
11 employment as a judge.

12 (5) for a participant who terminates service on or  
13 after the effective date of this amendatory Act of 1995,  
14 the salary on the last day of employment as a judge, or the  
15 highest salary received by the participant for employment  
16 as a judge in a position held by the participant for at  
17 least 4 consecutive years, whichever is greater.

18 However, in the case of a participant who elects to  
19 discontinue contributions as provided in subdivision (a)(2) of  
20 Section 18-133, the time of such election shall be considered  
21 the last day of employment in the determination of final  
22 average salary under this subsection.

23 For a participant who first serves as a judge on or after  
24 August 10, 2009 (the effective date of Public Act 96-207) ~~this~~  
25 ~~amendatory Act of the 96th General Assembly~~, final average  
26 salary shall be the average monthly salary obtained by dividing

1 the total salary of the participant during the period of: (1)  
2 the 48 consecutive months of service within the last 120 months  
3 of service in which the total compensation was the highest, or  
4 (2) the total period of service, if less than 48 months, by the  
5 number of months of service in that period.

6 The maximum retirement annuity for any participant shall be  
7 85% of final average salary.

8 (c) The retirement annuity for a participant who retires  
9 prior to age 60 with less than 28 years of service in the  
10 System shall be reduced 1/2 of 1% for each month that the  
11 participant's age is under 60 years at the time the annuity  
12 commences. However, for a participant who retires on or after  
13 the effective date of this amendatory Act of the 91st General  
14 Assembly, the percentage reduction in retirement annuity  
15 imposed under this subsection shall be reduced by 5/12 of 1%  
16 for every month of service in this System in excess of 20  
17 years, and therefore a participant with at least 26 years of  
18 service in this System may retire at age 55 without any  
19 reduction in annuity.

20 The reduction in retirement annuity imposed by this  
21 subsection shall not apply in the case of retirement on account  
22 of disability.

23 (Source: P.A. 96-207, eff. 8-10-09; revised 10-30-09.)

24 Section 230. The State Pension Funds Continuing  
25 Appropriation Act is amended by changing Section 1.2 as

1 follows:

2 (40 ILCS 15/1.2)

3 Sec. 1.2. Appropriations for the State Employees'  
4 Retirement System.

5 (a) From each fund from which an amount is appropriated for  
6 personal services to a department or other employer under  
7 Article 14 of the Illinois Pension Code, there is hereby  
8 appropriated to that department or other employer, on a  
9 continuing annual basis for each State fiscal year, an  
10 additional amount equal to the amount, if any, by which (1) an  
11 amount equal to the percentage of the personal services line  
12 item for that department or employer from that fund for that  
13 fiscal year that the Board of Trustees of the State Employees'  
14 Retirement System of Illinois has certified under Section  
15 14-135.08 of the Illinois Pension Code to be necessary to meet  
16 the State's obligation under Section 14-131 of the Illinois  
17 Pension Code for that fiscal year, exceeds (2) the amounts  
18 otherwise appropriated to that department or employer from that  
19 fund for State contributions to the State Employees' Retirement  
20 System for that fiscal year. From the effective date of this  
21 amendatory Act of the 93rd General Assembly through the final  
22 payment from a department or employer's personal services line  
23 item for fiscal year 2004, payments to the State Employees'  
24 Retirement System that otherwise would have been made under  
25 this subsection (a) shall be governed by the provisions in

1 subsection (a-1).

2 (a-1) If a Fiscal Year 2004 Shortfall is certified under  
3 subsection (f) of Section 14-131 of the Illinois Pension Code,  
4 there is hereby appropriated to the State Employees' Retirement  
5 System of Illinois on a continuing basis from the General  
6 Revenue Fund an additional aggregate amount equal to the Fiscal  
7 Year 2004 Shortfall.

8 (a-2) If a Fiscal Year 2010 Shortfall is certified under  
9 subsection (g) of Section 14-131 of the Illinois Pension Code,  
10 there is hereby appropriated to the State Employees' Retirement  
11 System of Illinois on a continuing basis from the General  
12 Revenue Fund an additional aggregate amount equal to the Fiscal  
13 Year 2010 Shortfall.

14 (b) The continuing appropriations provided for by this  
15 Section shall first be available in State fiscal year 1996.

16 (c) Beginning in Fiscal Year 2005, any continuing  
17 appropriation under this Section arising out of an  
18 appropriation for personal services from the Road Fund to the  
19 Department of State Police or the Secretary of State shall be  
20 payable from the General Revenue Fund rather than the Road  
21 Fund.

22 (d) For State fiscal year 2010 only, a continuing  
23 appropriation is provided to the State Employees' Retirement  
24 System equal to the amount certified by the System on or before  
25 December 31, 2008, less the gross proceeds of the bonds sold in  
26 fiscal year 2010 under the authorization contained in

1 subsection (a) of Section 7.2 of the General Obligation Bond  
2 Act.

3 (Source: P.A. 96-43, eff. 7-15-09; 96-45, eff. 7-15-09; revised  
4 11-3-09.)

5 Section 235. The Emergency Telephone System Act is amended  
6 by changing Section 15.4 as follows:

7 (50 ILCS 750/15.4) (from Ch. 134, par. 45.4)

8 Sec. 15.4. Emergency Telephone System Board; powers.

9 (a) The corporate authorities of any county or municipality  
10 that imposes a surcharge under Section 15.3 shall establish an  
11 Emergency Telephone System Board. The corporate authorities  
12 shall provide for the manner of appointment and the number of  
13 members of the Board, provided that the board shall consist of  
14 not fewer than 5 members, one of whom must be a public member  
15 who is a resident of the local exchange service territory  
16 included in the 9-1-1 coverage area, one of whom (in counties  
17 with a population less than 100,000) must be a member of the  
18 county board, and at least 3 of whom shall be representative of  
19 the 9-1-1 public safety agencies, including but not limited to  
20 police departments, fire departments, emergency medical  
21 services providers, and emergency services and disaster  
22 agencies, and appointed on the basis of their ability or  
23 experience. In counties with a population of more than 100,000  
24 but less than 2,000,000, a member of the county board may serve

1 on the Emergency Telephone System Board. Elected officials,  
2 including members of a county board, are also eligible to serve  
3 on the board. Members of the board shall serve without  
4 compensation but shall be reimbursed for their actual and  
5 necessary expenses. Any 2 or more municipalities, counties, or  
6 combination thereof, that impose a surcharge under Section 15.3  
7 may, instead of establishing individual boards, establish by  
8 intergovernmental agreement a Joint Emergency Telephone System  
9 Board pursuant to this Section. The manner of appointment of  
10 such a joint board shall be prescribed in the agreement.

11 (b) The powers and duties of the board shall be defined by  
12 ordinance of the municipality or county, or by  
13 intergovernmental agreement in the case of a joint board. The  
14 powers and duties shall include, but need not be limited to the  
15 following:

16 (1) Planning a 9-1-1 system.

17 (2) Coordinating and supervising the implementation,  
18 upgrading, or maintenance of the system, including the  
19 establishment of equipment specifications and coding  
20 systems.

21 (3) Receiving moneys from the surcharge imposed under  
22 Section 15.3, and from any other source, for deposit into  
23 the Emergency Telephone System Fund.

24 (4) Authorizing all disbursements from the fund.

25 (5) Hiring any staff necessary for the implementation  
26 or upgrade of the system.

1           (c) All moneys received by a board pursuant to a surcharge  
2 imposed under Section 15.3 shall be deposited into a separate  
3 interest-bearing Emergency Telephone System Fund account. The  
4 treasurer of the municipality or county that has established  
5 the board or, in the case of a joint board, any municipal or  
6 county treasurer designated in the intergovernmental  
7 agreement, shall be custodian of the fund. All interest  
8 accruing on the fund shall remain in the fund. No expenditures  
9 may be made from such fund except upon the direction of the  
10 board by resolution passed by a majority of all members of the  
11 board. Expenditures may be made only to pay for the costs  
12 associated with the following:

13           (1) The design of the Emergency Telephone System.

14           (2) The coding of an initial Master Street Address  
15 Guide data base, and update and maintenance thereof.

16           (3) The repayment of any moneys advanced for the  
17 implementation of the system.

18           (4) The charges for Automatic Number Identification  
19 and Automatic Location Identification equipment, a  
20 computer aided dispatch system that records, maintains,  
21 and integrates information, mobile data transmitters  
22 equipped with automatic vehicle locators, and maintenance,  
23 replacement and update thereof to increase operational  
24 efficiency and improve the provision of emergency  
25 services.

26           (5) The non-recurring charges related to installation

1 of the Emergency Telephone System and the ongoing network  
2 charges.

3 (6) The acquisition and installation, or the  
4 reimbursement of costs therefor to other governmental  
5 bodies that have incurred those costs, of road or street  
6 signs that are essential to the implementation of the  
7 emergency telephone system and that are not duplicative of  
8 signs that are the responsibility of the jurisdiction  
9 charged with maintaining road and street signs.

10 (7) Other products and services necessary for the  
11 implementation, upgrade, and maintenance of the system and  
12 any other purpose related to the operation of the system,  
13 including costs attributable directly to the construction,  
14 leasing, or maintenance of any buildings or facilities or  
15 costs of personnel attributable directly to the operation  
16 of the system. Costs attributable directly to the operation  
17 of an emergency telephone system do not include the costs  
18 of public safety agency personnel who are and equipment  
19 that is dispatched in response to an emergency call.

20 (8) In the case of a municipality that imposes a  
21 surcharge under subsection (h) of Section 15.3, moneys may  
22 also be used for any anti-terrorism or emergency  
23 preparedness measures, including, but not limited to,  
24 preparedness planning, providing local matching funds for  
25 federal or State grants, personnel training, and  
26 specialized equipment, including surveillance cameras as

1 needed to deal with natural and terrorist-inspired  
2 emergency situations or events.

3 Moneys in the fund may also be transferred to a  
4 participating fire protection district to reimburse volunteer  
5 firefighters who man remote telephone switching facilities  
6 when dedicated 9-1-1 lines are down.

7 (d) The board shall complete the data base before  
8 implementation of the 9-1-1 system. The error ratio of the data  
9 base shall not at any time exceed 1% of the total data base.

10 (Source: P.A. 95-698, eff. 1-1-08; 95-806, eff. 1-1-09;  
11 95-1012, eff. 12-15-08; revised 1-18-10.)

12 Section 240. The Counties Code is amended by changing  
13 Sections 5-1006.5, 5-1069.3, 5-1123, and 5-12020 as follows:

14 (55 ILCS 5/5-1006.5)

15 (Text of Section before amendment by P.A. 96-845)

16 Sec. 5-1006.5. Special County Retailers' Occupation Tax  
17 For Public Safety, Public Facilities, or Transportation.

18 (a) The county board of any county may impose a tax upon  
19 all persons engaged in the business of selling tangible  
20 personal property, other than personal property titled or  
21 registered with an agency of this State's government, at retail  
22 in the county on the gross receipts from the sales made in the  
23 course of business to provide revenue to be used exclusively  
24 for public safety, public facility, or transportation purposes

1 in that county, if a proposition for the tax has been submitted  
2 to the electors of that county and approved by a majority of  
3 those voting on the question. If imposed, this tax shall be  
4 imposed only in one-quarter percent increments. By resolution,  
5 the county board may order the proposition to be submitted at  
6 any election. If the tax is imposed for transportation purposes  
7 for expenditures for public highways or as authorized under the  
8 Illinois Highway Code, the county board must publish notice of  
9 the existence of its long-range highway transportation plan as  
10 required or described in Section 5-301 of the Illinois Highway  
11 Code and must make the plan publicly available prior to  
12 approval of the ordinance or resolution imposing the tax. If  
13 the tax is imposed for transportation purposes for expenditures  
14 for passenger rail transportation, the county board must  
15 publish notice of the existence of its long-range passenger  
16 rail transportation plan and must make the plan publicly  
17 available prior to approval of the ordinance or resolution  
18 imposing the tax.

19 If a tax is imposed for public facilities purposes, then  
20 the name of the project may be included in the proposition at  
21 the discretion of the county board as determined in the  
22 enabling resolution. For example, the "XXX Nursing Home" or the  
23 "YYY Museum".

24 The county clerk shall certify the question to the proper  
25 election authority, who shall submit the proposition at an  
26 election in accordance with the general election law.

1           (1) The proposition for public safety purposes shall be  
2 in substantially the following form:

3           "To pay for public safety purposes, shall (name of  
4 county) be authorized to impose an increase on its share of  
5 local sales taxes by (insert rate)?"

6           As additional information on the ballot below the  
7 question shall appear the following:

8           "This would mean that a consumer would pay an  
9 additional (insert amount) in sales tax for every \$100 of  
10 tangible personal property bought at retail."

11          The county board may also opt to establish a sunset  
12 provision at which time the additional sales tax would  
13 cease being collected, if not terminated earlier by a vote  
14 of the county board. If the county board votes to include a  
15 sunset provision, the proposition for public safety  
16 purposes shall be in substantially the following form:

17          "To pay for public safety purposes, shall (name of  
18 county) be authorized to impose an increase on its share of  
19 local sales taxes by (insert rate) for a period not to  
20 exceed (insert number of years)?"

21          As additional information on the ballot below the  
22 question shall appear the following:

23          "This would mean that a consumer would pay an  
24 additional (insert amount) in sales tax for every \$100 of  
25 tangible personal property bought at retail. If imposed,  
26 the additional tax would cease being collected at the end

1 of (insert number of years), if not terminated earlier by a  
2 vote of the county board."

3 For the purposes of the paragraph, "public safety  
4 purposes" means crime prevention, detention, fire  
5 fighting, police, medical, ambulance, or other emergency  
6 services.

7 Votes shall be recorded as "Yes" or "No".

8 (2) The proposition for transportation purposes shall  
9 be in substantially the following form:

10 "To pay for improvements to roads and other  
11 transportation purposes, shall (name of county) be  
12 authorized to impose an increase on its share of local  
13 sales taxes by (insert rate)?"

14 As additional information on the ballot below the  
15 question shall appear the following:

16 "This would mean that a consumer would pay an  
17 additional (insert amount) in sales tax for every \$100 of  
18 tangible personal property bought at retail."

19 The county board may also opt to establish a sunset  
20 provision at which time the additional sales tax would  
21 cease being collected, if not terminated earlier by a vote  
22 of the county board. If the county board votes to include a  
23 sunset provision, the proposition for transportation  
24 purposes shall be in substantially the following form:

25 "To pay for road improvements and other transportation  
26 purposes, shall (name of county) be authorized to impose an

1 increase on its share of local sales taxes by (insert rate)  
2 for a period not to exceed (insert number of years)?"

3 As additional information on the ballot below the  
4 question shall appear the following:

5 "This would mean that a consumer would pay an  
6 additional (insert amount) in sales tax for every \$100 of  
7 tangible personal property bought at retail. If imposed,  
8 the additional tax would cease being collected at the end  
9 of (insert number of years), if not terminated earlier by a  
10 vote of the county board."

11 For the purposes of this paragraph, transportation  
12 purposes means construction, maintenance, operation, and  
13 improvement of public highways, any other purpose for which  
14 a county may expend funds under the Illinois Highway Code,  
15 and passenger rail transportation.

16 The votes shall be recorded as "Yes" or "No".

17 (3) The proposition for public facilities purposes  
18 shall be in substantially the following form:

19 "To pay for public facilities purposes, shall (name of  
20 county) be authorized to impose an increase on its share of  
21 local sales taxes by (insert rate)?"

22 As additional information on the ballot below the  
23 question shall appear the following:

24 "This would mean that a consumer would pay an  
25 additional (insert amount) in sales tax for every \$100 of  
26 tangible personal property bought at retail."

1           The county board may also opt to establish a sunset  
2 provision at which time the additional sales tax would  
3 cease being collected, if not terminated earlier by a vote  
4 of the county board. If the county board votes to include a  
5 sunset provision, the proposition for public facilities  
6 purposes shall be in substantially the following form:

7           "To pay for public facilities purposes, shall (name of  
8 county) be authorized to impose an increase on its share of  
9 local sales taxes by (insert rate) for a period not to  
10 exceed (insert number of years)?"

11           As additional information on the ballot below the  
12 question shall appear the following:

13           "This would mean that a consumer would pay an  
14 additional (insert amount) in sales tax for every \$100 of  
15 tangible personal property bought at retail. If imposed,  
16 the additional tax would cease being collected at the end  
17 of (insert number of years), if not terminated earlier by a  
18 vote of the county board."

19           For purposes of this Section, "public facilities  
20 purposes" means the acquisition, development,  
21 construction, reconstruction, rehabilitation, improvement,  
22 financing, architectural planning, and installation of  
23 capital facilities consisting of buildings, structures,  
24 and durable equipment and for the acquisition and  
25 improvement of real property and interest in real property  
26 required, or expected to be required, in connection with

1 the public facilities, for use by the county for the  
2 furnishing of governmental services to its citizens,  
3 including but not limited to museums and nursing homes.

4 The votes shall be recorded as "Yes" or "No".

5 If a majority of the electors voting on the proposition  
6 vote in favor of it, the county may impose the tax. A county  
7 may not submit more than one proposition authorized by this  
8 Section to the electors at any one time.

9 This additional tax may not be imposed on the sales of food  
10 for human consumption that is to be consumed off the premises  
11 where it is sold (other than alcoholic beverages, soft drinks,  
12 and food which has been prepared for immediate consumption) and  
13 prescription and non-prescription medicines, drugs, medical  
14 appliances and insulin, urine testing materials, syringes, and  
15 needles used by diabetics. The tax imposed by a county under  
16 this Section and all civil penalties that may be assessed as an  
17 incident of the tax shall be collected and enforced by the  
18 Illinois Department of Revenue and deposited into a special  
19 fund created for that purpose. The certificate of registration  
20 that is issued by the Department to a retailer under the  
21 Retailers' Occupation Tax Act shall permit the retailer to  
22 engage in a business that is taxable without registering  
23 separately with the Department under an ordinance or resolution  
24 under this Section. The Department has full power to administer  
25 and enforce this Section, to collect all taxes and penalties  
26 due under this Section, to dispose of taxes and penalties so

1 collected in the manner provided in this Section, and to  
2 determine all rights to credit memoranda arising on account of  
3 the erroneous payment of a tax or penalty under this Section.  
4 In the administration of and compliance with this Section, the  
5 Department and persons who are subject to this Section shall  
6 (i) have the same rights, remedies, privileges, immunities,  
7 powers, and duties, (ii) be subject to the same conditions,  
8 restrictions, limitations, penalties, and definitions of  
9 terms, and (iii) employ the same modes of procedure as are  
10 prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j, 1k, 1m,  
11 1n, 2 through 2-70 (in respect to all provisions contained in  
12 those Sections other than the State rate of tax), 2a, 2b, 2c, 3  
13 (except provisions relating to transaction returns and quarter  
14 monthly payments), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i,  
15 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 11a, 12, and 13 of  
16 the Retailers' Occupation Tax Act and Section 3-7 of the  
17 Uniform Penalty and Interest Act as if those provisions were  
18 set forth in this Section.

19 Persons subject to any tax imposed under the authority  
20 granted in this Section may reimburse themselves for their  
21 sellers' tax liability by separately stating the tax as an  
22 additional charge, which charge may be stated in combination,  
23 in a single amount, with State tax which sellers are required  
24 to collect under the Use Tax Act, pursuant to such bracketed  
25 schedules as the Department may prescribe.

26 Whenever the Department determines that a refund should be

1 made under this Section to a claimant instead of issuing a  
2 credit memorandum, the Department shall notify the State  
3 Comptroller, who shall cause the order to be drawn for the  
4 amount specified and to the person named in the notification  
5 from the Department. The refund shall be paid by the State  
6 Treasurer out of the County Public Safety or Transportation  
7 Retailers' Occupation Tax Fund.

8 (b) If a tax has been imposed under subsection (a), a  
9 service occupation tax shall also be imposed at the same rate  
10 upon all persons engaged, in the county, in the business of  
11 making sales of service, who, as an incident to making those  
12 sales of service, transfer tangible personal property within  
13 the county as an incident to a sale of service. This tax may  
14 not be imposed on sales of food for human consumption that is  
15 to be consumed off the premises where it is sold (other than  
16 alcoholic beverages, soft drinks, and food prepared for  
17 immediate consumption) and prescription and non-prescription  
18 medicines, drugs, medical appliances and insulin, urine  
19 testing materials, syringes, and needles used by diabetics. The  
20 tax imposed under this subsection and all civil penalties that  
21 may be assessed as an incident thereof shall be collected and  
22 enforced by the Department of Revenue. The Department has full  
23 power to administer and enforce this subsection; to collect all  
24 taxes and penalties due hereunder; to dispose of taxes and  
25 penalties so collected in the manner hereinafter provided; and  
26 to determine all rights to credit memoranda arising on account

1 of the erroneous payment of tax or penalty hereunder. In the  
2 administration of, and compliance with this subsection, the  
3 Department and persons who are subject to this paragraph shall  
4 (i) have the same rights, remedies, privileges, immunities,  
5 powers, and duties, (ii) be subject to the same conditions,  
6 restrictions, limitations, penalties, exclusions, exemptions,  
7 and definitions of terms, and (iii) employ the same modes of  
8 procedure as are prescribed in Sections 2 (except that the  
9 reference to State in the definition of supplier maintaining a  
10 place of business in this State shall mean the county), 2a, 2b,  
11 2c, 3 through 3-50 (in respect to all provisions therein other  
12 than the State rate of tax), 4 (except that the reference to  
13 the State shall be to the county), 5, 7, 8 (except that the  
14 jurisdiction to which the tax shall be a debt to the extent  
15 indicated in that Section 8 shall be the county), 9 (except as  
16 to the disposition of taxes and penalties collected), 10, 11,  
17 12 (except the reference therein to Section 2b of the  
18 Retailers' Occupation Tax Act), 13 (except that any reference  
19 to the State shall mean the county), Section 15, 16, 17, 18, 19  
20 and 20 of the Service Occupation Tax Act and Section 3-7 of the  
21 Uniform Penalty and Interest Act, as fully as if those  
22 provisions were set forth herein.

23 Persons subject to any tax imposed under the authority  
24 granted in this subsection may reimburse themselves for their  
25 serviceman's tax liability by separately stating the tax as an  
26 additional charge, which charge may be stated in combination,

1 in a single amount, with State tax that servicemen are  
2 authorized to collect under the Service Use Tax Act, in  
3 accordance with such bracket schedules as the Department may  
4 prescribe.

5 Whenever the Department determines that a refund should be  
6 made under this subsection to a claimant instead of issuing a  
7 credit memorandum, the Department shall notify the State  
8 Comptroller, who shall cause the warrant to be drawn for the  
9 amount specified, and to the person named, in the notification  
10 from the Department. The refund shall be paid by the State  
11 Treasurer out of the County Public Safety or Transportation  
12 Retailers' Occupation Fund.

13 Nothing in this subsection shall be construed to authorize  
14 the county to impose a tax upon the privilege of engaging in  
15 any business which under the Constitution of the United States  
16 may not be made the subject of taxation by the State.

17 (c) The Department shall immediately pay over to the State  
18 Treasurer, ex officio, as trustee, all taxes and penalties  
19 collected under this Section to be deposited into the County  
20 Public Safety or Transportation Retailers' Occupation Tax  
21 Fund, which shall be an unappropriated trust fund held outside  
22 of the State treasury. On or before the 25th day of each  
23 calendar month, the Department shall prepare and certify to the  
24 Comptroller the disbursement of stated sums of money to the  
25 counties from which retailers have paid taxes or penalties to  
26 the Department during the second preceding calendar month. The

1 amount to be paid to each county, and deposited by the county  
2 into its special fund created for the purposes of this Section,  
3 shall be the amount (not including credit memoranda) collected  
4 under this Section during the second preceding calendar month  
5 by the Department plus an amount the Department determines is  
6 necessary to offset any amounts that were erroneously paid to a  
7 different taxing body, and not including (i) an amount equal to  
8 the amount of refunds made during the second preceding calendar  
9 month by the Department on behalf of the county and (ii) any  
10 amount that the Department determines is necessary to offset  
11 any amounts that were payable to a different taxing body but  
12 were erroneously paid to the county. Within 10 days after  
13 receipt by the Comptroller of the disbursement certification to  
14 the counties provided for in this Section to be given to the  
15 Comptroller by the Department, the Comptroller shall cause the  
16 orders to be drawn for the respective amounts in accordance  
17 with directions contained in the certification.

18 In addition to the disbursement required by the preceding  
19 paragraph, an allocation shall be made in March of each year to  
20 each county that received more than \$500,000 in disbursements  
21 under the preceding paragraph in the preceding calendar year.  
22 The allocation shall be in an amount equal to the average  
23 monthly distribution made to each such county under the  
24 preceding paragraph during the preceding calendar year  
25 (excluding the 2 months of highest receipts). The distribution  
26 made in March of each year subsequent to the year in which an

1 allocation was made pursuant to this paragraph and the  
2 preceding paragraph shall be reduced by the amount allocated  
3 and disbursed under this paragraph in the preceding calendar  
4 year. The Department shall prepare and certify to the  
5 Comptroller for disbursement the allocations made in  
6 accordance with this paragraph.

7 (d) For the purpose of determining the local governmental  
8 unit whose tax is applicable, a retail sale by a producer of  
9 coal or another mineral mined in Illinois is a sale at retail  
10 at the place where the coal or other mineral mined in Illinois  
11 is extracted from the earth. This paragraph does not apply to  
12 coal or another mineral when it is delivered or shipped by the  
13 seller to the purchaser at a point outside Illinois so that the  
14 sale is exempt under the United States Constitution as a sale  
15 in interstate or foreign commerce.

16 (e) Nothing in this Section shall be construed to authorize  
17 a county to impose a tax upon the privilege of engaging in any  
18 business that under the Constitution of the United States may  
19 not be made the subject of taxation by this State.

20 (e-5) If a county imposes a tax under this Section, the  
21 county board may, by ordinance, discontinue or lower the rate  
22 of the tax. If the county board lowers the tax rate or  
23 discontinues the tax, a referendum must be held in accordance  
24 with subsection (a) of this Section in order to increase the  
25 rate of the tax or to reimpose the discontinued tax.

26 (f) Beginning April 1, 1998, the results of any election

1 authorizing a proposition to impose a tax under this Section or  
2 effecting a change in the rate of tax, or any ordinance  
3 lowering the rate or discontinuing the tax, shall be certified  
4 by the county clerk and filed with the Illinois Department of  
5 Revenue either (i) on or before the first day of April,  
6 whereupon the Department shall proceed to administer and  
7 enforce the tax as of the first day of July next following the  
8 filing; or (ii) on or before the first day of October,  
9 whereupon the Department shall proceed to administer and  
10 enforce the tax as of the first day of January next following  
11 the filing.

12 (g) When certifying the amount of a monthly disbursement to  
13 a county under this Section, the Department shall increase or  
14 decrease the amounts by an amount necessary to offset any  
15 miscalculation of previous disbursements. The offset amount  
16 shall be the amount erroneously disbursed within the previous 6  
17 months from the time a miscalculation is discovered.

18 (h) This Section may be cited as the "Special County  
19 Occupation Tax For Public Safety, Public Facilities, or  
20 Transportation Law".

21 (i) For purposes of this Section, "public safety" includes,  
22 but is not limited to, crime prevention, detention, fire  
23 fighting, police, medical, ambulance, or other emergency  
24 services. The county may share tax proceeds received under this  
25 Section for public safety purposes, including proceeds  
26 received before August 4, 2009 (the effective date of Public

1 ~~Act 96-124) this amendatory Act of the 96th General Assembly,~~  
2 with any fire protection district located in the county. For  
3 the purposes of this Section, "transportation" includes, but is  
4 not limited to, the construction, maintenance, operation, and  
5 improvement of public highways, any other purpose for which a  
6 county may expend funds under the Illinois Highway Code, and  
7 passenger rail transportation. For the purposes of this  
8 Section, "public facilities purposes" includes, but is not  
9 limited to, the acquisition, development, construction,  
10 reconstruction, rehabilitation, improvement, financing,  
11 architectural planning, and installation of capital facilities  
12 consisting of buildings, structures, and durable equipment and  
13 for the acquisition and improvement of real property and  
14 interest in real property required, or expected to be required,  
15 in connection with the public facilities, for use by the county  
16 for the furnishing of governmental services to its citizens,  
17 including but not limited to museums and nursing homes.

18 (j) The Department may promulgate rules to implement Public  
19 Act 95-1002 ~~this amendatory Act of the 95th General Assembly~~  
20 only to the extent necessary to apply the existing rules for  
21 the Special County Retailers' Occupation Tax for Public Safety  
22 to this new purpose for public facilities.

23 (Source: P.A. 95-474, eff. 1-1-08; 95-1002, eff. 11-20-08;  
24 96-124, eff. 8-4-09; 96-622, eff. 8-24-09; revised 11-3-09.)

25 (Text of Section after amendment by P.A. 96-845)

1           Sec. 5-1006.5. Special County Retailers' Occupation Tax  
2 For Public Safety, Public Facilities, or Transportation.

3           (a) The county board of any county may impose a tax upon  
4 all persons engaged in the business of selling tangible  
5 personal property, other than personal property titled or  
6 registered with an agency of this State's government, at retail  
7 in the county on the gross receipts from the sales made in the  
8 course of business to provide revenue to be used exclusively  
9 for public safety, public facility, or transportation purposes  
10 in that county, if a proposition for the tax has been submitted  
11 to the electors of that county and approved by a majority of  
12 those voting on the question. If imposed, this tax shall be  
13 imposed only in one-quarter percent increments. By resolution,  
14 the county board may order the proposition to be submitted at  
15 any election. If the tax is imposed for transportation purposes  
16 for expenditures for public highways or as authorized under the  
17 Illinois Highway Code, the county board must publish notice of  
18 the existence of its long-range highway transportation plan as  
19 required or described in Section 5-301 of the Illinois Highway  
20 Code and must make the plan publicly available prior to  
21 approval of the ordinance or resolution imposing the tax. If  
22 the tax is imposed for transportation purposes for expenditures  
23 for passenger rail transportation, the county board must  
24 publish notice of the existence of its long-range passenger  
25 rail transportation plan and must make the plan publicly  
26 available prior to approval of the ordinance or resolution

1 imposing the tax.

2 If a tax is imposed for public facilities purposes, then  
3 the name of the project may be included in the proposition at  
4 the discretion of the county board as determined in the  
5 enabling resolution. For example, the "XXX Nursing Home" or the  
6 "YYY Museum".

7 The county clerk shall certify the question to the proper  
8 election authority, who shall submit the proposition at an  
9 election in accordance with the general election law.

10 (1) The proposition for public safety purposes shall be  
11 in substantially the following form:

12 "To pay for public safety purposes, shall (name of  
13 county) be authorized to impose an increase on its share of  
14 local sales taxes by (insert rate)?"

15 As additional information on the ballot below the  
16 question shall appear the following:

17 "This would mean that a consumer would pay an  
18 additional (insert amount) in sales tax for every \$100 of  
19 tangible personal property bought at retail."

20 The county board may also opt to establish a sunset  
21 provision at which time the additional sales tax would  
22 cease being collected, if not terminated earlier by a vote  
23 of the county board. If the county board votes to include a  
24 sunset provision, the proposition for public safety  
25 purposes shall be in substantially the following form:

26 "To pay for public safety purposes, shall (name of

1 county) be authorized to impose an increase on its share of  
2 local sales taxes by (insert rate) for a period not to  
3 exceed (insert number of years)?"

4 As additional information on the ballot below the  
5 question shall appear the following:

6 "This would mean that a consumer would pay an  
7 additional (insert amount) in sales tax for every \$100 of  
8 tangible personal property bought at retail. If imposed,  
9 the additional tax would cease being collected at the end  
10 of (insert number of years), if not terminated earlier by a  
11 vote of the county board."

12 For the purposes of the paragraph, "public safety  
13 purposes" means crime prevention, detention, fire  
14 fighting, police, medical, ambulance, or other emergency  
15 services.

16 Votes shall be recorded as "Yes" or "No".

17 (2) The proposition for transportation purposes shall  
18 be in substantially the following form:

19 "To pay for improvements to roads and other  
20 transportation purposes, shall (name of county) be  
21 authorized to impose an increase on its share of local  
22 sales taxes by (insert rate)?"

23 As additional information on the ballot below the  
24 question shall appear the following:

25 "This would mean that a consumer would pay an  
26 additional (insert amount) in sales tax for every \$100 of

1           tangible personal property bought at retail."

2           The county board may also opt to establish a sunset  
3 provision at which time the additional sales tax would  
4 cease being collected, if not terminated earlier by a vote  
5 of the county board. If the county board votes to include a  
6 sunset provision, the proposition for transportation  
7 purposes shall be in substantially the following form:

8           "To pay for road improvements and other transportation  
9 purposes, shall (name of county) be authorized to impose an  
10 increase on its share of local sales taxes by (insert rate)  
11 for a period not to exceed (insert number of years)?"

12           As additional information on the ballot below the  
13 question shall appear the following:

14           "This would mean that a consumer would pay an  
15 additional (insert amount) in sales tax for every \$100 of  
16 tangible personal property bought at retail. If imposed,  
17 the additional tax would cease being collected at the end  
18 of (insert number of years), if not terminated earlier by a  
19 vote of the county board."

20           For the purposes of this paragraph, transportation  
21 purposes means construction, maintenance, operation, and  
22 improvement of public highways, any other purpose for which  
23 a county may expend funds under the Illinois Highway Code,  
24 and passenger rail transportation.

25           The votes shall be recorded as "Yes" or "No".

26           (3) The proposition for public facilities purposes

1 shall be in substantially the following form:

2 "To pay for public facilities purposes, shall (name of  
3 county) be authorized to impose an increase on its share of  
4 local sales taxes by (insert rate)?"

5 As additional information on the ballot below the  
6 question shall appear the following:

7 "This would mean that a consumer would pay an  
8 additional (insert amount) in sales tax for every \$100 of  
9 tangible personal property bought at retail."

10 The county board may also opt to establish a sunset  
11 provision at which time the additional sales tax would  
12 cease being collected, if not terminated earlier by a vote  
13 of the county board. If the county board votes to include a  
14 sunset provision, the proposition for public facilities  
15 purposes shall be in substantially the following form:

16 "To pay for public facilities purposes, shall (name of  
17 county) be authorized to impose an increase on its share of  
18 local sales taxes by (insert rate) for a period not to  
19 exceed (insert number of years)?"

20 As additional information on the ballot below the  
21 question shall appear the following:

22 "This would mean that a consumer would pay an  
23 additional (insert amount) in sales tax for every \$100 of  
24 tangible personal property bought at retail. If imposed,  
25 the additional tax would cease being collected at the end  
26 of (insert number of years), if not terminated earlier by a

1 vote of the county board."

2 For purposes of this Section, "public facilities  
3 purposes" means the acquisition, development,  
4 construction, reconstruction, rehabilitation, improvement,  
5 financing, architectural planning, and installation of  
6 capital facilities consisting of buildings, structures,  
7 and durable equipment and for the acquisition and  
8 improvement of real property and interest in real property  
9 required, or expected to be required, in connection with  
10 the public facilities, for use by the county for the  
11 furnishing of governmental services to its citizens,  
12 including but not limited to museums and nursing homes.

13 The votes shall be recorded as "Yes" or "No".

14 If a majority of the electors voting on the proposition  
15 vote in favor of it, the county may impose the tax. A county  
16 may not submit more than one proposition authorized by this  
17 Section to the electors at any one time.

18 This additional tax may not be imposed on the sales of food  
19 for human consumption that is to be consumed off the premises  
20 where it is sold (other than alcoholic beverages, soft drinks,  
21 and food which has been prepared for immediate consumption) and  
22 prescription and non-prescription medicines, drugs, medical  
23 appliances and insulin, urine testing materials, syringes, and  
24 needles used by diabetics. The tax imposed by a county under  
25 this Section and all civil penalties that may be assessed as an  
26 incident of the tax shall be collected and enforced by the

1 Illinois Department of Revenue and deposited into a special  
2 fund created for that purpose. The certificate of registration  
3 that is issued by the Department to a retailer under the  
4 Retailers' Occupation Tax Act shall permit the retailer to  
5 engage in a business that is taxable without registering  
6 separately with the Department under an ordinance or resolution  
7 under this Section. The Department has full power to administer  
8 and enforce this Section, to collect all taxes and penalties  
9 due under this Section, to dispose of taxes and penalties so  
10 collected in the manner provided in this Section, and to  
11 determine all rights to credit memoranda arising on account of  
12 the erroneous payment of a tax or penalty under this Section.  
13 In the administration of and compliance with this Section, the  
14 Department and persons who are subject to this Section shall  
15 (i) have the same rights, remedies, privileges, immunities,  
16 powers, and duties, (ii) be subject to the same conditions,  
17 restrictions, limitations, penalties, and definitions of  
18 terms, and (iii) employ the same modes of procedure as are  
19 prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j, 1k, 1m,  
20 1n, 2 through 2-70 (in respect to all provisions contained in  
21 those Sections other than the State rate of tax), 2a, 2b, 2c, 3  
22 (except provisions relating to transaction returns and quarter  
23 monthly payments), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i,  
24 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 11a, 12, and 13 of  
25 the Retailers' Occupation Tax Act and Section 3-7 of the  
26 Uniform Penalty and Interest Act as if those provisions were

1 set forth in this Section.

2 Persons subject to any tax imposed under the authority  
3 granted in this Section may reimburse themselves for their  
4 sellers' tax liability by separately stating the tax as an  
5 additional charge, which charge may be stated in combination,  
6 in a single amount, with State tax which sellers are required  
7 to collect under the Use Tax Act, pursuant to such bracketed  
8 schedules as the Department may prescribe.

9 Whenever the Department determines that a refund should be  
10 made under this Section to a claimant instead of issuing a  
11 credit memorandum, the Department shall notify the State  
12 Comptroller, who shall cause the order to be drawn for the  
13 amount specified and to the person named in the notification  
14 from the Department. The refund shall be paid by the State  
15 Treasurer out of the County Public Safety or Transportation  
16 Retailers' Occupation Tax Fund.

17 (b) If a tax has been imposed under subsection (a), a  
18 service occupation tax shall also be imposed at the same rate  
19 upon all persons engaged, in the county, in the business of  
20 making sales of service, who, as an incident to making those  
21 sales of service, transfer tangible personal property within  
22 the county as an incident to a sale of service. This tax may  
23 not be imposed on sales of food for human consumption that is  
24 to be consumed off the premises where it is sold (other than  
25 alcoholic beverages, soft drinks, and food prepared for  
26 immediate consumption) and prescription and non-prescription

1 medicines, drugs, medical appliances and insulin, urine  
2 testing materials, syringes, and needles used by diabetics. The  
3 tax imposed under this subsection and all civil penalties that  
4 may be assessed as an incident thereof shall be collected and  
5 enforced by the Department of Revenue. The Department has full  
6 power to administer and enforce this subsection; to collect all  
7 taxes and penalties due hereunder; to dispose of taxes and  
8 penalties so collected in the manner hereinafter provided; and  
9 to determine all rights to credit memoranda arising on account  
10 of the erroneous payment of tax or penalty hereunder. In the  
11 administration of, and compliance with this subsection, the  
12 Department and persons who are subject to this paragraph shall  
13 (i) have the same rights, remedies, privileges, immunities,  
14 powers, and duties, (ii) be subject to the same conditions,  
15 restrictions, limitations, penalties, exclusions, exemptions,  
16 and definitions of terms, and (iii) employ the same modes of  
17 procedure as are prescribed in Sections 2 (except that the  
18 reference to State in the definition of supplier maintaining a  
19 place of business in this State shall mean the county), 2a, 2b,  
20 2c, 3 through 3-50 (in respect to all provisions therein other  
21 than the State rate of tax), 4 (except that the reference to  
22 the State shall be to the county), 5, 7, 8 (except that the  
23 jurisdiction to which the tax shall be a debt to the extent  
24 indicated in that Section 8 shall be the county), 9 (except as  
25 to the disposition of taxes and penalties collected), 10, 11,  
26 12 (except the reference therein to Section 2b of the

1 Retailers' Occupation Tax Act), 13 (except that any reference  
2 to the State shall mean the county), Section 15, 16, 17, 18, 19  
3 and 20 of the Service Occupation Tax Act and Section 3-7 of the  
4 Uniform Penalty and Interest Act, as fully as if those  
5 provisions were set forth herein.

6 Persons subject to any tax imposed under the authority  
7 granted in this subsection may reimburse themselves for their  
8 serviceman's tax liability by separately stating the tax as an  
9 additional charge, which charge may be stated in combination,  
10 in a single amount, with State tax that servicemen are  
11 authorized to collect under the Service Use Tax Act, in  
12 accordance with such bracket schedules as the Department may  
13 prescribe.

14 Whenever the Department determines that a refund should be  
15 made under this subsection to a claimant instead of issuing a  
16 credit memorandum, the Department shall notify the State  
17 Comptroller, who shall cause the warrant to be drawn for the  
18 amount specified, and to the person named, in the notification  
19 from the Department. The refund shall be paid by the State  
20 Treasurer out of the County Public Safety or Transportation  
21 Retailers' Occupation Fund.

22 Nothing in this subsection shall be construed to authorize  
23 the county to impose a tax upon the privilege of engaging in  
24 any business which under the Constitution of the United States  
25 may not be made the subject of taxation by the State.

26 (c) The Department shall immediately pay over to the State

1 Treasurer, ex officio, as trustee, all taxes and penalties  
2 collected under this Section to be deposited into the County  
3 Public Safety or Transportation Retailers' Occupation Tax  
4 Fund, which shall be an unappropriated trust fund held outside  
5 of the State treasury. On or before the 25th day of each  
6 calendar month, the Department shall prepare and certify to the  
7 Comptroller the disbursement of stated sums of money to the  
8 counties from which retailers have paid taxes or penalties to  
9 the Department during the second preceding calendar month. The  
10 amount to be paid to each county, and deposited by the county  
11 into its special fund created for the purposes of this Section,  
12 shall be the amount (not including credit memoranda) collected  
13 under this Section during the second preceding calendar month  
14 by the Department plus an amount the Department determines is  
15 necessary to offset any amounts that were erroneously paid to a  
16 different taxing body, and not including (i) an amount equal to  
17 the amount of refunds made during the second preceding calendar  
18 month by the Department on behalf of the county and (ii) any  
19 amount that the Department determines is necessary to offset  
20 any amounts that were payable to a different taxing body but  
21 were erroneously paid to the county. Within 10 days after  
22 receipt by the Comptroller of the disbursement certification to  
23 the counties provided for in this Section to be given to the  
24 Comptroller by the Department, the Comptroller shall cause the  
25 orders to be drawn for the respective amounts in accordance  
26 with directions contained in the certification.

1           In addition to the disbursement required by the preceding  
2 paragraph, an allocation shall be made in March of each year to  
3 each county that received more than \$500,000 in disbursements  
4 under the preceding paragraph in the preceding calendar year.  
5 The allocation shall be in an amount equal to the average  
6 monthly distribution made to each such county under the  
7 preceding paragraph during the preceding calendar year  
8 (excluding the 2 months of highest receipts). The distribution  
9 made in March of each year subsequent to the year in which an  
10 allocation was made pursuant to this paragraph and the  
11 preceding paragraph shall be reduced by the amount allocated  
12 and disbursed under this paragraph in the preceding calendar  
13 year. The Department shall prepare and certify to the  
14 Comptroller for disbursement the allocations made in  
15 accordance with this paragraph.

16           A county may direct, by ordinance, that all or a portion of  
17 the taxes and penalties collected under the Special County  
18 Retailers' Occupation Tax For Public Safety or Transportation  
19 be deposited into the Transportation Development Partnership  
20 Trust Fund.

21           (d) For the purpose of determining the local governmental  
22 unit whose tax is applicable, a retail sale by a producer of  
23 coal or another mineral mined in Illinois is a sale at retail  
24 at the place where the coal or other mineral mined in Illinois  
25 is extracted from the earth. This paragraph does not apply to  
26 coal or another mineral when it is delivered or shipped by the

1 seller to the purchaser at a point outside Illinois so that the  
2 sale is exempt under the United States Constitution as a sale  
3 in interstate or foreign commerce.

4 (e) Nothing in this Section shall be construed to authorize  
5 a county to impose a tax upon the privilege of engaging in any  
6 business that under the Constitution of the United States may  
7 not be made the subject of taxation by this State.

8 (e-5) If a county imposes a tax under this Section, the  
9 county board may, by ordinance, discontinue or lower the rate  
10 of the tax. If the county board lowers the tax rate or  
11 discontinues the tax, a referendum must be held in accordance  
12 with subsection (a) of this Section in order to increase the  
13 rate of the tax or to reimpose the discontinued tax.

14 (f) Beginning April 1, 1998, the results of any election  
15 authorizing a proposition to impose a tax under this Section or  
16 effecting a change in the rate of tax, or any ordinance  
17 lowering the rate or discontinuing the tax, shall be certified  
18 by the county clerk and filed with the Illinois Department of  
19 Revenue either (i) on or before the first day of April,  
20 whereupon the Department shall proceed to administer and  
21 enforce the tax as of the first day of July next following the  
22 filing; or (ii) on or before the first day of October,  
23 whereupon the Department shall proceed to administer and  
24 enforce the tax as of the first day of January next following  
25 the filing.

26 (g) When certifying the amount of a monthly disbursement to

1 a county under this Section, the Department shall increase or  
2 decrease the amounts by an amount necessary to offset any  
3 miscalculation of previous disbursements. The offset amount  
4 shall be the amount erroneously disbursed within the previous 6  
5 months from the time a miscalculation is discovered.

6 (h) This Section may be cited as the "Special County  
7 Occupation Tax For Public Safety, Public Facilities, or  
8 Transportation Law".

9 (i) For purposes of this Section, "public safety" includes,  
10 but is not limited to, crime prevention, detention, fire  
11 fighting, police, medical, ambulance, or other emergency  
12 services. The county may share tax proceeds received under this  
13 Section for public safety purposes, including proceeds  
14 received before August 4, 2009 (the effective date of Public  
15 Act 96-124) ~~this amendatory Act of the 96th General Assembly,~~  
16 with any fire protection district located in the county. For  
17 the purposes of this Section, "transportation" includes, but is  
18 not limited to, the construction, maintenance, operation, and  
19 improvement of public highways, any other purpose for which a  
20 county may expend funds under the Illinois Highway Code, and  
21 passenger rail transportation. For the purposes of this  
22 Section, "public facilities purposes" includes, but is not  
23 limited to, the acquisition, development, construction,  
24 reconstruction, rehabilitation, improvement, financing,  
25 architectural planning, and installation of capital facilities  
26 consisting of buildings, structures, and durable equipment and

1 for the acquisition and improvement of real property and  
2 interest in real property required, or expected to be required,  
3 in connection with the public facilities, for use by the county  
4 for the furnishing of governmental services to its citizens,  
5 including but not limited to museums and nursing homes.

6 (j) The Department may promulgate rules to implement Public  
7 Act 95-1002 ~~this amendatory Act of the 95th General Assembly~~  
8 only to the extent necessary to apply the existing rules for  
9 the Special County Retailers' Occupation Tax for Public Safety  
10 to this new purpose for public facilities.

11 (Source: P.A. 95-474, eff. 1-1-08; 95-1002, eff. 11-20-08;  
12 96-124, eff. 8-4-09; 96-622, eff. 8-24-09; 96-845, eff. 7-1-12;  
13 revised 12-30-09.)

14 (55 ILCS 5/5-1069.3)

15 Sec. 5-1069.3. Required health benefits. If a county,  
16 including a home rule county, is a self-insurer for purposes of  
17 providing health insurance coverage for its employees, the  
18 coverage shall include coverage for the post-mastectomy care  
19 benefits required to be covered by a policy of accident and  
20 health insurance under Section 356t and the coverage required  
21 under Sections 356g, 356g.5, 356g.5-1, 356u, 356w, 356x,  
22 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, ~~and~~  
23 356z.13, ~~and~~ 356z.14, and 356z.15 ~~356z.14~~ of the Illinois  
24 Insurance Code. The requirement that health benefits be covered  
25 as provided in this Section is an exclusive power and function

1 of the State and is a denial and limitation under Article VII,  
2 Section 6, subsection (h) of the Illinois Constitution. A home  
3 rule county to which this Section applies must comply with  
4 every provision of this Section.

5 Rulemaking authority to implement Public Act 95-1045 ~~this~~  
6 ~~amendatory Act of the 95th General Assembly~~, if any, is  
7 conditioned on the rules being adopted in accordance with all  
8 provisions of the Illinois Administrative Procedure Act and all  
9 rules and procedures of the Joint Committee on Administrative  
10 Rules; any purported rule not so adopted, for whatever reason,  
11 is unauthorized.

12 (Source: P.A. 95-189, eff. 8-16-07; 95-422, eff. 8-24-07;  
13 95-520, eff. 8-28-07; 95-876, eff. 8-21-08; 95-958, eff.  
14 6-1-09; 95-978, eff. 1-1-09; 95-1005, eff. 12-12-08; 95-1045,  
15 eff. 3-27-09; 95-1049, eff. 1-1-10; 96-139, eff. 1-1-10;  
16 96-328, eff. 8-11-09; revised 10-22-09.)

17 (55 ILCS 5/5-1123)

18 Sec. 5-1123. Builder or developer cash bond or other  
19 surety.

20 (a) A county may not require a cash bond, irrevocable  
21 letter of credit, surety bond, or letter of commitment issued  
22 by a bank, savings and loan association, surety, or insurance  
23 company from a builder or developer to guarantee completion of  
24 a project improvement when the builder or developer has filed  
25 with the county clerk a current, irrevocable letter of credit,

1 surety bond, or letter of commitment, issued by a bank, savings  
2 and loan association, surety, or insurance company, deemed good  
3 and sufficient by the county accepting such security, in an  
4 amount equal to or greater than 110% of the amount of the bid  
5 on each project improvement. A builder or developer has the  
6 option to utilize a cash bond, irrevocable letter of credit,  
7 surety bond, or letter of commitment issued by a bank, savings  
8 and loan association, surety, or insurance company, deemed good  
9 and sufficient by the county, to satisfy any cash bond  
10 requirement established by a county. The county must approve  
11 and deem a surety or insurance company good and sufficient for  
12 the purposes set forth in this Section if the surety or  
13 insurance company is authorized by the Illinois Department of  
14 Insurance to sell and issue sureties in the State of Illinois.

15 (b) If a county receives a cash bond, irrevocable letter of  
16 credit, or surety bond from a builder or developer to guarantee  
17 completion of a project improvement, the county shall (i)  
18 register the bond under the address of the project and the  
19 construction permit number and (ii) give the builder or  
20 developer a receipt for the bond. The county shall establish  
21 and maintain a separate account for all cash bonds received  
22 from builders and developers to guarantee completion of a  
23 project improvement.

24 (c) The county shall refund a cash bond to a builder or  
25 developer, or release the irrevocable letter of credit or  
26 surety bond, within 60 days after the builder or developer

1 notifies the county in writing of the completion of the project  
2 improvement for which the bond was required. For these  
3 purposes, "completion" means that the county has determined  
4 that the project improvement for which the bond was required is  
5 complete or a licensed engineer or licensed architect has  
6 certified to the builder or developer and the county that the  
7 project improvement has been completed to the applicable codes  
8 and ordinances. The county shall pay interest to the builder or  
9 developer, beginning 60 days after the builder or developer  
10 notifies the county in writing of the completion of the project  
11 improvement, on any bond not refunded to a builder or  
12 developer, at the rate of 1% per month.

13 (d) A home rule county may not require or maintain cash  
14 bonds, irrevocable letters of credit, surety bonds, or other  
15 adequate securities from builders or developers in a manner  
16 inconsistent with this Section. This Section supersedes  
17 ~~supercedes~~ and controls over other provisions of this Code as  
18 they apply to and guarantee completion of a project improvement  
19 that is required by the county. This Section is a denial and  
20 limitation under subsection (i) of Section 6 of Article VII of  
21 the Illinois Constitution on the concurrent exercise by a home  
22 rule county of powers and functions exercised by the State.

23 (Source: P.A. 92-479, eff. 1-1-02; revised 10-30-09.)

24 (55 ILCS 5/5-12020)

25 Sec. 5-12020. Wind farms. A county may establish standards

1 for wind farms and electric-generating wind devices. The  
2 standards may include, without limitation, the height of the  
3 devices and the number of devices that may be located within a  
4 geographic area. A county may also regulate the siting of wind  
5 farms and electric-generating wind devices in unincorporated  
6 areas of the county outside of the zoning jurisdiction of a  
7 municipality and the 1.5 mile radius surrounding the zoning  
8 jurisdiction of a municipality. There shall be at least one  
9 public hearing not more than 30 days prior to a siting decision  
10 by the county board. Notice of the hearing shall be published  
11 in a newspaper of general circulation in the county. Counties  
12 may allow test wind towers to be sited without formal approval  
13 by the county board. Any provision of a county zoning ordinance  
14 pertaining to wind farms that is in effect before the effective  
15 date of this amendatory Act of the 95th General Assembly may  
16 continue in effect notwithstanding any requirements of this  
17 Section.

18 A county may not require a wind tower or other renewable  
19 energy system that is used exclusively by an end user to be  
20 setback more than 1.1 times the height of the renewable energy  
21 system from the end user's property line.

22 (Source: P.A. 95-203, eff. 8-16-07; 96-306, eff. 1-1-10;  
23 96-566, eff. 8-18-09; revised 9-15-09.)

24 Section 245. The Illinois Municipal Code is amended by  
25 setting forth and renumbering multiple versions of Sections

1 1-1-11 and 11-20-15 and by changing Sections 7-1-1, 7-1-13,  
2 7-3-1, 10-4-2.3, 11-15.1-2.1, 11-39-3, 11-74.4-3, 11-74.4-3.5,  
3 and 11-74.4-7 as follows:

4 (65 ILCS 5/1-1-11)

5 Sec. 1-1-11. Contractual assessments; renewable energy  
6 sources. A municipality may enter into voluntary agreements  
7 with the owners of property within the municipality to provide  
8 for contractual assessments to finance the installation of  
9 distributed generation renewable energy sources or energy  
10 efficiency improvements that are permanently fixed to real  
11 property.

12 (Source: P.A. 96-481, eff. 1-1-10.)

13 (65 ILCS 5/1-1-12)

14 Sec. 1-1-12 ~~1-1-11~~. Americans with Disabilities Act  
15 coordinator; posting and publication.

16 (a) Within 90 days after the effective date of this  
17 amendatory Act of the 96th General Assembly, each municipality  
18 that maintains a website must post on the municipality's  
19 website the following information:

20 (1) the name, office address, and telephone number of  
21 the Americans with Disabilities Act coordinator, if any,  
22 employed by the municipality; and

23 (2) the grievance procedures, if any, adopted by the  
24 municipality to resolve complaints alleging a violation of

1 Title II of the Americans with Disabilities Act.

2 (b) If a municipality does not maintain a website, then the  
3 municipality must, within 90 days after the effective date of  
4 this amendatory Act of the 96th General Assembly, and at least  
5 once every other year thereafter, publish in either a newspaper  
6 of general circulation within the municipality or a newsletter  
7 published by the municipality and mailed to residents of the  
8 municipality the information required in item (1) of subsection  
9 (a) and either the information required in item (2) of  
10 subsection (a) or instructions for obtaining such information  
11 from the municipality.

12 (c) No home rule municipality may adopt posting or  
13 publication requirements that are less restrictive than this  
14 Section. This Section is a limitation under subsection (i) of  
15 Section 6 of Article VII of the Illinois Constitution on the  
16 concurrent exercise by home rule units of powers and functions  
17 exercised by the State.

18 (Source: P.A. 96-650, eff. 1-1-10; revised 10-1-09.)

19 (65 ILCS 5/7-1-1) (from Ch. 24, par. 7-1-1)

20 Sec. 7-1-1. Annexation of contiguous territory. Any  
21 territory that is not within the corporate limits of any  
22 municipality but is contiguous to a municipality may be annexed  
23 to the municipality as provided in this Article. For the  
24 purposes of this Article any territory to be annexed to a  
25 municipality shall be considered to be contiguous to the

1 municipality notwithstanding that the territory is separated  
2 from the municipality by a strip parcel, railroad or public  
3 utility right-of-way, or former railroad right-of-way that has  
4 been converted to a recreational trail, but upon annexation the  
5 area included within that strip parcel, right-of-way, or former  
6 right-of-way shall not be considered to be annexed to the  
7 municipality. For purposes of this Section, "strip parcel"  
8 means a separation no wider than 30 feet between the territory  
9 to be annexed and the municipal boundary.

10 Except in counties with a population of more than 600,000  
11 but less than 3,000,000, territory which is not contiguous to a  
12 municipality but is separated therefrom only by a forest  
13 preserve district, federal wildlife refuge, or open land or  
14 open space that is part of an open space program, as defined in  
15 Section 115-5 of the Township Code, may be annexed to the  
16 municipality pursuant to Section 7-1-7 or 7-1-8, but only if  
17 the annexing municipality can show that the forest preserve  
18 district, federal wildlife refuge, open land, or open space  
19 creates an artificial barrier preventing the annexation and  
20 that the location of the forest preserve district, federal  
21 wildlife refuge, open land, or open space property prevents the  
22 orderly natural growth of the annexing municipality. It shall  
23 be conclusively presumed that the forest preserve district,  
24 federal wildlife refuge, open land, or open space does not  
25 create an artificial barrier if the property sought to be  
26 annexed is bounded on at least 3 sides by (i) one or more other

1 municipalities (other than the municipality seeking annexation  
2 through the existing forest preserve district, federal  
3 wildlife refuge, open land, or open space), (ii) forest  
4 preserve district property, federal wildlife refuge, open  
5 land, or open space, or (iii) a combination of other  
6 municipalities and forest preserve district property, federal  
7 wildlife refuge property, open land, or open space. It shall  
8 also be conclusively presumed that the forest preserve  
9 district, federal wildlife refuge, open land, or open space  
10 does not create an artificial barrier if the municipality  
11 seeking annexation is not the closest municipality within the  
12 county to the property to be annexed. The territory included  
13 within such forest preserve district, federal wildlife refuge,  
14 open land, or open space shall not be annexed to the  
15 municipality nor shall the territory of the forest preserve  
16 district, federal wildlife refuge, open land, or open space be  
17 subject to rights-of-way for access or services between the  
18 parts of the municipality separated by the forest preserve  
19 district, federal wildlife refuge, open land, or open space  
20 without the consent of the governing body of the forest  
21 preserve district or federal wildlife refuge. The changes made  
22 to this Section by Public Act 91-824 ~~this amendatory Act of~~  
23 ~~91st General Assembly~~ are declaratory of existing law and shall  
24 not be construed as a new enactment.

25 In counties that are contiguous to the Mississippi River  
26 with populations of more than 200,000 but less than 255,000, a

1 municipality that is partially located in territory that is  
2 wholly surrounded by the Mississippi River and a canal,  
3 connected at both ends to the Mississippi River and located on  
4 property owned by the United States of America, may annex  
5 noncontiguous territory in the surrounded territory under  
6 Sections 7-1-7, 7-1-8, or 7-1-9 if that territory is separated  
7 from the municipality by property owned by the United States of  
8 America, but that federal property shall not be annexed without  
9 the consent of the federal government.

10 For the purposes of this Article, any territory to be  
11 annexed to a municipality that is located in a county with more  
12 than 500,000 inhabitants shall be considered to be contiguous  
13 to the municipality if only a river and a national heritage  
14 corridor separate the territory from the municipality. Upon  
15 annexation, no river or national heritage corridor shall be  
16 considered annexed to the municipality.

17 When any land proposed to be annexed is part of any Fire  
18 Protection District or of any Public Library District and the  
19 annexing municipality provides fire protection or a public  
20 library, as the case may be, the Trustees of each District  
21 shall be notified in writing by certified or registered mail  
22 before any court hearing or other action is taken for  
23 annexation. The notice shall be served 10 days in advance. An  
24 affidavit that service of notice has been had as provided by  
25 this Section must be filed with the clerk of the court in which  
26 the annexation proceedings are pending or will be instituted

1 or, when no court proceedings are involved, with the recorder  
2 for the county where the land is situated. No annexation of  
3 that land is effective unless service is had and the affidavit  
4 filed as provided in this Section.

5 The new boundary shall extend to the far side of any  
6 adjacent highway and shall include all of every highway within  
7 the area annexed. These highways shall be considered to be  
8 annexed even though not included in the legal description set  
9 forth in the petition for annexation. When any land proposed to  
10 be annexed includes any highway under the jurisdiction of any  
11 township, the Township Commissioner of Highways, the Board of  
12 Town Trustees, the Township Supervisor, and the Township Clerk  
13 shall be notified in writing by certified or registered mail  
14 before any court hearing or other action is taken for  
15 annexation. In the event that a municipality fails to notify  
16 the Township Commissioner of Highways, the Board of Town  
17 Trustees, the Township Supervisor, and the Township Clerk of  
18 the annexation of an area within the township, the municipality  
19 shall reimburse that township for any loss or liability caused  
20 by the failure to give notice. If any municipality has annexed  
21 any area before October 1, 1975, and the legal description in  
22 the petition for annexation did not include the entire adjacent  
23 highway, any such annexation shall be valid and any highway  
24 adjacent to the area annexed shall be considered to be annexed  
25 notwithstanding the failure of the petition to annex to include  
26 the description of the entire adjacent highway.

1 Any annexation, disconnection and annexation, or  
2 disconnection under this Article of any territory must be  
3 reported by certified or registered mail by the corporate  
4 authority initiating the action to the election authorities  
5 having jurisdiction in the territory and the post office  
6 branches serving the territory within 30 days of the  
7 annexation, disconnection and annexation, or disconnection.

8 Failure to give notice to the required election authorities  
9 or post office branches will not invalidate the annexation or  
10 disconnection. For purposes of this Section "election  
11 authorities" means the county clerk where the clerk acts as the  
12 clerk of elections or the clerk of the election commission  
13 having jurisdiction.

14 No annexation, disconnection and annexation, or  
15 disconnection under this Article of territory having electors  
16 residing therein made (1) before any primary election to be  
17 held within the municipality affected thereby and after the  
18 time for filing petitions as a candidate for nomination to any  
19 office to be chosen at the primary election or (2) within 60  
20 days before any general election to be held within the  
21 municipality shall be effective until the day after the date of  
22 the primary or general election, as the case may be.

23 For the purpose of this Section, a toll highway or  
24 connection between parcels via an overpass bridge over a toll  
25 highway shall not be considered a deterrent to the definition  
26 of contiguous territory.

1           When territory is proposed to be annexed by court order  
2 under this Article, the corporate authorities or petitioners  
3 initiating the action shall notify each person who pays real  
4 estate taxes on property within that territory unless the  
5 person is a petitioner. The notice shall be served by certified  
6 or registered mail, return receipt requested, at least 20 days  
7 before a court hearing or other court action. If the person who  
8 pays real estate taxes on the property is not the owner of  
9 record, then the payor shall notify the owner of record of the  
10 proposed annexation.

11       (Source: P.A. 94-361, eff. 1-1-06; 94-1065, eff. 8-1-06;  
12 95-174, eff. 1-1-08; revised 11-3-09.)

13           (65 ILCS 5/7-1-13) (from Ch. 24, par. 7-1-13)

14       Sec. 7-1-13. Annexation.

15       (a) Whenever any unincorporated territory containing 60  
16 acres or less, is wholly bounded by (a) one or more  
17 municipalities, (b) one or more municipalities and a creek in a  
18 county with a population of 400,000 or more, or one or more  
19 municipalities and a river or lake in any county, (c) one or  
20 more municipalities and the Illinois State boundary, (d) one or  
21 more municipalities and property owned by the State of  
22 Illinois, except highway right-of-way owned in fee by the  
23 State, (e) one or more municipalities and a forest preserve  
24 district or park district, (f) if the territory is a triangular  
25 parcel of less than 10 acres, one or more municipalities and an

1 interstate highway owned in fee by the State and bounded by a  
2 frontage road, or (g) one or more municipalities in a county  
3 with a population of more than 800,000 inhabitants and less  
4 than 2,000,000 inhabitants and either a railroad or operating  
5 property, as defined in the Property Tax Code (35 ILCS  
6 200/11-70), being immediately adjacent to, but exclusive of  
7 that railroad property, that territory may be annexed by any  
8 municipality by which it is bounded in whole or in part, by the  
9 passage of an ordinance to that effect after notice is given as  
10 provided in subsection (b) of this Section. Land or property  
11 that is used for agricultural purposes or to produce  
12 agricultural goods shall not be annexed pursuant to item (g).  
13 Nothing in this Section shall subject any railroad property to  
14 the zoning or jurisdiction of any municipality annexing the  
15 property under this Section. ~~, and for land annexed pursuant to~~  
16 ~~item (g), notice shall be given to the impacted land owners.~~ The  
17 ordinance shall describe the territory annexed and a copy  
18 thereof together with an accurate map of the annexed territory  
19 shall be recorded in the office of the recorder of the county  
20 wherein the annexed territory is situated and a document of  
21 annexation shall be filed with the county clerk and County  
22 Election Authority. Nothing in this Section shall be construed  
23 as permitting a municipality to annex territory of a forest  
24 preserve district in a county with a population of 3,000,000 or  
25 more without obtaining the consent of the district pursuant to  
26 Section 8.3 of the Cook County Forest Preserve District Act nor

1 shall anything in this Section be construed as permitting a  
2 municipality to annex territory owned by a park district  
3 without obtaining the consent of the district pursuant to  
4 Section 8-1.1 of the Park District Code.

5 (b) The corporate authorities shall cause notice, stating  
6 that annexation of the territory described in the notice is  
7 contemplated under this Section, to be published once, in a  
8 newspaper of general circulation within the territory to be  
9 annexed, not less than 10 days before the passage of the  
10 annexation ordinance, and for land annexed pursuant to item (g)  
11 of subsection (a) of this Section, notice shall be given to the  
12 impacted land owners. The corporate authorities shall also, not  
13 less than 15 days before the passage of the annexation  
14 ordinance, serve written notice, either in person or, at a  
15 minimum, by certified mail, on the taxpayer of record of the  
16 proposed annexed territory as appears from the authentic tax  
17 records of the county. When the territory to be annexed lies  
18 wholly or partially within a township other than the township  
19 where the municipality is situated, the annexing municipality  
20 shall give at least 10 days prior written notice of the time  
21 and place of the passage of the annexation ordinance to the  
22 township supervisor of the township where the territory to be  
23 annexed lies.

24 (c) When notice is given as described in subsection (b) of  
25 this Section, no other municipality may annex the proposed  
26 territory for a period of 60 days from the date the notice is

1 mailed or delivered to the taxpayer of record unless that other  
2 municipality has initiated annexation proceedings or a valid  
3 petition as described in Section 7-1-2, 7-1-8, 7-1-11 or 7-1-12  
4 of this Code has been received by the municipality prior to the  
5 publication and mailing of the notices required in subsection  
6 (b).

7 (Source: P.A. 94-396, eff. 8-1-05; 95-931, eff. 1-1-09;  
8 95-1039, eff. 3-25-09; revised 4-9-09.)

9 (65 ILCS 5/7-3-1) (from Ch. 24, par. 7-3-1)

10 Sec. 7-3-1. Within one year of the organization of any  
11 municipality under the provisions of Divisions 2 and 3 of  
12 Article 2 of this Code, any territory which has been included  
13 therein may be disconnected from such municipality if the  
14 territory sought to be disconnected is (1) upon the ~~the~~ border,  
15 but within the boundary of the municipality, (2) contains 20 or  
16 more acres, (3) if disconnected will not result in the  
17 isolation of any part of the municipality from the remainder of  
18 the municipality, and (4) if disconnected will not be a  
19 territory wholly bounded by one or more municipalities or  
20 wholly bounded by one or more municipalities and a river or  
21 lake, (5) if disconnected, the growth prospects and plan and  
22 zoning ordinances, if any, of such municipality will not be  
23 unreasonably disrupted, (6) if disconnected, no substantial  
24 disruption will result to existing municipal service  
25 facilities such as, but not limited to, sewer systems, street

1 lighting, water mains, garbage collection and fire protection,  
2 (7) if disconnected the municipality will not be unduly harmed  
3 through loss of tax revenue in the future. The procedure for  
4 disconnection shall be as follows:

5 A written petition directed to the circuit court of the  
6 county in which the territory proposed to be disconnected is  
7 located and if such territory is located in more than one  
8 county then to the circuit court of the county in which the  
9 greater part of such territory may be located, which petition  
10 shall be signed by a majority of the electors, if any, residing  
11 within the territory and also signed by a majority of the  
12 owners of record of land in such territory, and also  
13 representing a majority of the area of land in such territory,  
14 shall be filed with the clerk of the court within one year of  
15 the organization of any municipality under the provisions of  
16 Divisions 2 and 3 of Article 2 of this Code. The petition shall  
17 set forth the description of the territory to be detached from  
18 such municipality, shall allege the pertinent facts in support  
19 of the disconnection of such territory and shall pray the court  
20 to detach the territory from the municipality.

21 (Source: Laws 1965, p. 2176; revised 11-3-09.)

22 (65 ILCS 5/10-4-2.3)

23 Sec. 10-4-2.3. Required health benefits. If a  
24 municipality, including a home rule municipality, is a  
25 self-insurer for purposes of providing health insurance

1 coverage for its employees, the coverage shall include coverage  
2 for the post-mastectomy care benefits required to be covered by  
3 a policy of accident and health insurance under Section 356t  
4 and the coverage required under Sections 356g, 356g.5,  
5 356g.5-1, 356u, 356w, 356x, 356z.6, 356z.8, 356z.9, 356z.10,  
6 356z.11, 356z.12, ~~and 356z.13, and 356z.14~~, and 356z.15 ~~356z.14~~  
7 of the Illinois Insurance Code. The requirement that health  
8 benefits be covered as provided in this is an exclusive power  
9 and function of the State and is a denial and limitation under  
10 Article VII, Section 6, subsection (h) of the Illinois  
11 Constitution. A home rule municipality to which this Section  
12 applies must comply with every provision of this Section.

13 Rulemaking authority to implement Public Act 95-1045 ~~this~~  
14 ~~amendatory Act of the 95th General Assembly~~, if any, is  
15 conditioned on the rules being adopted in accordance with all  
16 provisions of the Illinois Administrative Procedure Act and all  
17 rules and procedures of the Joint Committee on Administrative  
18 Rules; any purported rule not so adopted, for whatever reason,  
19 is unauthorized.

20 (Source: P.A. 95-189, eff. 8-16-07; 95-422, eff. 8-24-07;  
21 95-520, eff. 8-28-07; 95-876, eff. 8-21-08; 95-958, eff.  
22 6-1-09; 95-978, eff. 1-1-09; 95-1005, eff. 12-12-08; 95-1045,  
23 eff. 3-27-09; 95-1049, eff. 1-1-10; 96-139, eff. 1-1-10;  
24 96-328, eff. 8-11-09; revised 10-23-09.)

25 (65 ILCS 5/11-15.1-2.1) (from Ch. 24, par. 11-15.1-2.1)

1           Sec. 11-15.1-2.1. Annexation agreement; municipal  
2 jurisdiction.

3           (a) Except as provided in subsections (b) and (c), property  
4 that is the subject of an annexation agreement adopted under  
5 this Division is subject to the ordinances, control, and  
6 jurisdiction of the annexing municipality in all respects the  
7 same as property that lies within the annexing municipality's  
8 corporate limits.

9           (b) This Section shall not apply in (i) a county with a  
10 population of more than 3,000,000, (ii) a county that borders a  
11 county with a population of more than 3,000,000 or (iii) a  
12 county with a population of more than 246,000 according to the  
13 1990 federal census and bordered by the Mississippi River,  
14 unless the parties to the annexation agreement have, at the  
15 time the agreement is signed, ownership or control of all  
16 property that would make the property that is the subject of  
17 the agreement contiguous to the annexing municipality, in which  
18 case the property that is the subject of the annexation  
19 agreement is subject to the ordinances, control, and  
20 jurisdiction of the municipality in all respects the same as  
21 property owned by the municipality that lies within its  
22 corporate limits.

23           (b-5) The limitations of item (iii) of subsection (b) do  
24 not apply to property that is the subject of an annexation  
25 agreement adopted under this Division within one year after the  
26 effective date of this amendatory Act of the 95th General

1 Assembly with a coterminous home rule municipality, as of June  
2 1, 2009, that borders the Mississippi River, in a county with a  
3 population in excess of 258,000, according to the 2000 federal  
4 census, if all such agreements entered into by the municipality  
5 pertain to parcels that comprise a contiguous area of not more  
6 than 120 acres in the aggregate.

7 (c) Except for property located in a county referenced in  
8 subsection (b) of this Section, if property that is the subject  
9 of an annexation agreement ~~Champaign~~, is located more than 1.5  
10 miles from the corporate boundaries of the annexing  
11 municipality, that property is subject to the ordinances,  
12 control, and jurisdiction of the annexing municipality unless  
13 the county board retains jurisdiction by the affirmative vote  
14 of two-thirds of its members.

15 (d) If the county board retains jurisdiction under  
16 subsection (c) of this Section, the annexing municipality may  
17 file a request for jurisdiction with the county board on a case  
18 by case basis. If the county board agrees by the affirmative  
19 vote of a majority of its members, then the property covered by  
20 the annexation agreement shall be subject to the ordinances,  
21 control, and jurisdiction of the annexing municipality.

22 (Source: P.A. 95-175, eff. 1-1-08; 95-922, eff. 8-26-08;  
23 96-163, eff. 1-1-10; 96-188, eff. 8-10-09; revised 8-20-09.)

24 (65 ILCS 5/11-20-15)

25 Sec. 11-20-15. Lien for removal costs.

1           (a) If the municipality incurs a removal cost under Section  
2 11-20-7, 11-20-8, 11-20-12, or 11-20-13 with respect to any  
3 underlying parcel, then that cost is a lien upon that  
4 underlying parcel. This lien is superior to all other liens and  
5 encumbrances, except tax liens and as otherwise provided in  
6 subsection (c) of this Section.

7           (b) To perfect a lien under this Section, the municipality  
8 must, within one year after the removal cost is incurred, file  
9 notice of lien in the office of the recorder in the county in  
10 which the underlying parcel is located or, if the underlying  
11 parcel is registered under the Torrens system, in the office of  
12 the Registrar of Titles of that county. The notice must consist  
13 of a sworn statement setting out:

14                 (1) a description of the underlying parcel that  
15                 sufficiently identifies the parcel;

16                 (2) the amount of the removal cost; and

17                 (3) the date or dates when the removal cost was  
18                 incurred by the municipality.

19           If, for any one parcel, the municipality engaged in any  
20 removal activity on more than one occasion during the course of  
21 one year, then the municipality may combine any or all of the  
22 costs of each of those activities into a single notice of lien.

23           (c) A lien under this Section is not valid as to: (i) any  
24 purchaser whose rights in and to the underlying parcel arose  
25 after the removal activity but before the filing of the notice  
26 of lien; or (ii) any mortgagee, judgment creditor, or other

1     lienor whose rights in and to the underlying parcel arose  
2     before the filing of the notice of lien.

3           (d) The removal cost is not a lien on the underlying parcel  
4     unless a notice is personally served on, or sent by certified  
5     mail to, the person to whom was sent the tax bill for the  
6     general taxes on the property for the taxable year immediately  
7     preceding the removal activities. The notice must be delivered  
8     or sent after the removal activities have been performed, and  
9     it must: (i) state the substance of this Section and the  
10    substance of any ordinance of the municipality implementing  
11    this Section; (ii) identify the underlying parcel, by common  
12    description; and (iii) describe the removal activity.

13           (e) A lien under this Section may be enforced by  
14    proceedings to foreclose as in case of mortgages or mechanics'  
15    liens. An action to foreclose a lien under this Section must be  
16    commenced within 2 years after the date of filing notice of  
17    lien.

18           (f) Any person who performs a removal activity by the  
19    authority of the municipality may, in his or her own name, file  
20    a lien and foreclose on that lien in the same manner as a  
21    municipality under this Section.

22           (g) A failure to file a foreclosure action does not, in any  
23    way, affect the validity of the lien against the underlying  
24    parcel.

25           (h) Upon payment of the lien cost by the owner of the  
26    underlying parcel after notice of lien has been filed, the

1 municipality (or its agent under subsection (f)) shall release  
2 the lien, and the release may be filed of record by the owner  
3 at his or her sole expense as in the case of filing notice of  
4 lien.

5 (i) For the purposes of this Section:

6 "Lien cost" means the removal cost and the filing costs for  
7 any notice of lien under subsection (b).

8 "Removal activity" means any activity for which a removal  
9 cost was incurred.

10 "Removal cost" means a removal cost as defined under  
11 Section 11-20-7, 11-20-8, 11-20-12, or 11-20-13.

12 "Underlying parcel" means a parcel of private property upon  
13 which a removal activity was performed.

14 "Year" means a 365-day period.

15 (j) This Section applies only to liens filed after August  
16 14, 2009 (the effective date of Public Act 96-462).

17 (k) This Section shall not apply to a lien filed pursuant  
18 to Section 11-20-15.1.

19 (Source: P.A. 96-462, eff. 8-14-09; 96-856, eff. 3-1-10.)

20 (65 ILCS 5/11-20-16)

21 Sec. 11-20-16 ~~11-20-15~~. Retail food establishments.

22 (a) A municipality in a county having a population of  
23 2,000,000 or more inhabitants must regulate and inspect retail  
24 food establishments in the municipality. A municipality must  
25 regulate and inspect retail food establishments in accordance

1 with applicable federal and State laws pertaining to the  
2 operation of retail food establishments including but not  
3 limited to the Illinois Food Handling Regulation Enforcement  
4 Act, the Illinois Food, Drug and Cosmetic Act, the Sanitary  
5 Food Preparation Act, the regulations of the Illinois  
6 Department of Public Health, and local ordinances and  
7 regulations. This subsection shall not apply to a municipality  
8 that is served by a certified local health department other  
9 than a county certified local health department.

10 A home rule unit may not regulate retail food  
11 establishments in a less restrictive manner than as provided in  
12 this Section. This Section is a limitation of home rule powers  
13 under subsection (i) of Section 6 of Article VII of the  
14 Illinois Constitution on the concurrent exercise by home rule  
15 units of the powers and functions exercised by the State.

16 (b) A municipality may enter into an intergovernmental  
17 agreement with a county that provides for the county's  
18 certified local health department to perform any or all  
19 inspection functions for the municipality. The municipality  
20 must pay the county's reasonable costs. An intergovernmental  
21 agreement shall not preclude a municipality from continuing to  
22 license retail food establishments within its jurisdiction.

23 (c) For the purpose of this Section, "retail food  
24 establishment" includes a food service establishment, a  
25 temporary food service establishment, and a retail food store  
26 as defined in the Food Service Sanitation Code, 77 Ill. Adm.

1 Code Part 750, and the Retail Food Store Sanitation Code, 77  
2 Ill. Adm. Code Part 760.

3 (Source: P.A. 96-749, eff. 1-1-10; revised 10-7-09.)

4 (65 ILCS 5/11-39-3)

5 Sec. 11-39-3. Builder or developer cash bond or other  
6 surety.

7 (a) A municipality may not require a cash bond, irrevocable  
8 letter of credit, surety bond, or letter of commitment issued  
9 by a bank, savings and loan association, surety, or insurance  
10 company from a builder or developer to guarantee completion of  
11 a project improvement when the builder or developer has filed  
12 with the municipal clerk a current, irrevocable letter of  
13 credit, surety bond, or letter of commitment issued by a bank,  
14 savings and loan association, surety, or insurance company,  
15 deemed good and sufficient by the municipality accepting such  
16 security, in an amount equal to or greater than 110% of the  
17 amount of the bid on each project improvement. A builder or  
18 developer has the option to utilize a cash bond, irrevocable  
19 letter of credit, surety bond, or letter of commitment, issued  
20 by a bank, savings and loan association, surety, or insurance  
21 company, deemed good and sufficient by the municipality, to  
22 satisfy any cash bond requirement established by a  
23 municipality. Except for a municipality or county with a  
24 population of 1,000,000 or more, the municipality must approve  
25 and deem a surety or insurance company good and sufficient for

1 the purposes set forth in this Section if the surety or  
2 insurance company is authorized by the Illinois Department of  
3 Insurance to sell and issue sureties in the State of Illinois.

4 (b) If a municipality receives a cash bond, irrevocable  
5 letter of credit, or surety bond from a builder or developer to  
6 guarantee completion of a project improvement, the  
7 municipality shall (i) register the bond under the address of  
8 the project and the construction permit number and (ii) give  
9 the builder or developer a receipt for the bond. The  
10 municipality shall establish and maintain a separate account  
11 for all cash bonds received from builders and developers to  
12 guarantee completion of a project improvement.

13 (c) The municipality shall refund a cash bond to a builder  
14 or developer, or release the irrevocable letter of credit or  
15 surety bond within 60 days after the builder or developer  
16 notifies the municipality in writing of the completion of the  
17 project improvement for which the bond was required. For these  
18 purposes, "completion" means that the municipality has  
19 determined that the project improvement for which the bond was  
20 required is complete or a licensed engineer or licensed  
21 architect has certified to the builder or developer and the  
22 municipality that the project improvement has been completed to  
23 the applicable codes and ordinances. The municipality shall pay  
24 interest to the builder or developer, beginning 60 days after  
25 builder or developer notifies the municipality in writing of  
26 the completion of the project improvement, on any bond not

1 refunded to a builder or developer, at the rate of 1% per  
2 month.

3 (d) A home rule municipality may not require or maintain  
4 cash bonds, irrevocable letters of credit, surety bonds, or  
5 letters of commitment issued by a bank, savings and loan  
6 association, surety, or insurance company from builders or  
7 developers in a manner inconsistent with this Section. This  
8 Section supersedes ~~supercedes~~ and controls over other  
9 provisions of this Code as they apply to and guarantee  
10 completion of a project improvement that is required by the  
11 municipality, regardless of whether the project improvement is  
12 a condition of annexation agreements. This Section is a denial  
13 and limitation under subsection (i) of Section 6 of Article VII  
14 of the Illinois Constitution on the concurrent exercise by a  
15 home rule municipality of powers and functions exercised by the  
16 State.

17 (Source: P.A. 92-479, eff. 1-1-02; revised 10-30-09.)

18 (65 ILCS 5/11-74.4-3) (from Ch. 24, par. 11-74.4-3)

19 Sec. 11-74.4-3. Definitions. The following terms, wherever  
20 used or referred to in this Division 74.4 shall have the  
21 following respective meanings, unless in any case a different  
22 meaning clearly appears from the context.

23 (a) For any redevelopment project area that has been  
24 designated pursuant to this Section by an ordinance adopted  
25 prior to November 1, 1999 (the effective date of Public Act

1 91-478), "blighted area" shall have the meaning set forth in  
2 this Section prior to that date.

3 On and after November 1, 1999, "blighted area" means any  
4 improved or vacant area within the boundaries of a  
5 redevelopment project area located within the territorial  
6 limits of the municipality where:

7 (1) If improved, industrial, commercial, and  
8 residential buildings or improvements are detrimental to  
9 the public safety, health, or welfare because of a  
10 combination of 5 or more of the following factors, each of  
11 which is (i) present, with that presence documented, to a  
12 meaningful extent so that a municipality may reasonably  
13 find that the factor is clearly present within the intent  
14 of the Act and (ii) reasonably distributed throughout the  
15 improved part of the redevelopment project area:

16 (A) Dilapidation. An advanced state of disrepair  
17 or neglect of necessary repairs to the primary  
18 structural components of buildings or improvements in  
19 such a combination that a documented building  
20 condition analysis determines that major repair is  
21 required or the defects are so serious and so extensive  
22 that the buildings must be removed.

23 (B) Obsolescence. The condition or process of  
24 falling into disuse. Structures have become ill-suited  
25 for the original use.

26 (C) Deterioration. With respect to buildings,

1 defects including, but not limited to, major defects in  
2 the secondary building components such as doors,  
3 windows, porches, gutters and downspouts, and fascia.  
4 With respect to surface improvements, that the  
5 condition of roadways, alleys, curbs, gutters,  
6 sidewalks, off-street parking, and surface storage  
7 areas evidence deterioration, including, but not  
8 limited to, surface cracking, crumbling, potholes,  
9 depressions, loose paving material, and weeds  
10 protruding through paved surfaces.

11 (D) Presence of structures below minimum code  
12 standards. All structures that do not meet the  
13 standards of zoning, subdivision, building, fire, and  
14 other governmental codes applicable to property, but  
15 not including housing and property maintenance codes.

16 (E) Illegal use of individual structures. The use  
17 of structures in violation of applicable federal,  
18 State, or local laws, exclusive of those applicable to  
19 the presence of structures below minimum code  
20 standards.

21 (F) Excessive vacancies. The presence of buildings  
22 that are unoccupied or under-utilized and that  
23 represent an adverse influence on the area because of  
24 the frequency, extent, or duration of the vacancies.

25 (G) Lack of ventilation, light, or sanitary  
26 facilities. The absence of adequate ventilation for

1 light or air circulation in spaces or rooms without  
2 windows, or that require the removal of dust, odor,  
3 gas, smoke, or other noxious airborne materials.  
4 Inadequate natural light and ventilation means the  
5 absence of skylights or windows for interior spaces or  
6 rooms and improper window sizes and amounts by room  
7 area to window area ratios. Inadequate sanitary  
8 facilities refers to the absence or inadequacy of  
9 garbage storage and enclosure, bathroom facilities,  
10 hot water and kitchens, and structural inadequacies  
11 preventing ingress and egress to and from all rooms and  
12 units within a building.

13 (H) Inadequate utilities. Underground and overhead  
14 utilities such as storm sewers and storm drainage,  
15 sanitary sewers, water lines, and gas, telephone, and  
16 electrical services that are shown to be inadequate.  
17 Inadequate utilities are those that are: (i) of  
18 insufficient capacity to serve the uses in the  
19 redevelopment project area, (ii) deteriorated,  
20 antiquated, obsolete, or in disrepair, or (iii)  
21 lacking within the redevelopment project area.

22 (I) Excessive land coverage and overcrowding of  
23 structures and community facilities. The  
24 over-intensive use of property and the crowding of  
25 buildings and accessory facilities onto a site.  
26 Examples of problem conditions warranting the

1 designation of an area as one exhibiting excessive land  
2 coverage are: (i) the presence of buildings either  
3 improperly situated on parcels or located on parcels of  
4 inadequate size and shape in relation to present-day  
5 standards of development for health and safety and (ii)  
6 the presence of multiple buildings on a single parcel.  
7 For there to be a finding of excessive land coverage,  
8 these parcels must exhibit one or more of the following  
9 conditions: insufficient provision for light and air  
10 within or around buildings, increased threat of spread  
11 of fire due to the close proximity of buildings, lack  
12 of adequate or proper access to a public right-of-way,  
13 lack of reasonably required off-street parking, or  
14 inadequate provision for loading and service.

15 (J) Deleterious land use or layout. The existence  
16 of incompatible land-use relationships, buildings  
17 occupied by inappropriate mixed-uses, or uses  
18 considered to be noxious, offensive, or unsuitable for  
19 the surrounding area.

20 (K) Environmental clean-up. The proposed  
21 redevelopment project area has incurred Illinois  
22 Environmental Protection Agency or United States  
23 Environmental Protection Agency remediation costs for,  
24 or a study conducted by an independent consultant  
25 recognized as having expertise in environmental  
26 remediation has determined a need for, the clean-up of

1 hazardous waste, hazardous substances, or underground  
2 storage tanks required by State or federal law,  
3 provided that the remediation costs constitute a  
4 material impediment to the development or  
5 redevelopment of the redevelopment project area.

6 (L) Lack of community planning. The proposed  
7 redevelopment project area was developed prior to or  
8 without the benefit or guidance of a community plan.  
9 This means that the development occurred prior to the  
10 adoption by the municipality of a comprehensive or  
11 other community plan or that the plan was not followed  
12 at the time of the area's development. This factor must  
13 be documented by evidence of adverse or incompatible  
14 land-use relationships, inadequate street layout,  
15 improper subdivision, parcels of inadequate shape and  
16 size to meet contemporary development standards, or  
17 other evidence demonstrating an absence of effective  
18 community planning.

19 (M) The total equalized assessed value of the  
20 proposed redevelopment project area has declined for 3  
21 of the last 5 calendar years prior to the year in which  
22 the redevelopment project area is designated or is  
23 increasing at an annual rate that is less than the  
24 balance of the municipality for 3 of the last 5  
25 calendar years for which information is available or is  
26 increasing at an annual rate that is less than the

1 Consumer Price Index for All Urban Consumers published  
2 by the United States Department of Labor or successor  
3 agency for 3 of the last 5 calendar years prior to the  
4 year in which the redevelopment project area is  
5 designated.

6 (2) If vacant, the sound growth of the redevelopment  
7 project area is impaired by a combination of 2 or more of  
8 the following factors, each of which is (i) present, with  
9 that presence documented, to a meaningful extent so that a  
10 municipality may reasonably find that the factor is clearly  
11 present within the intent of the Act and (ii) reasonably  
12 distributed throughout the vacant part of the  
13 redevelopment project area to which it pertains:

14 (A) Obsolete platting of vacant land that results  
15 in parcels of limited or narrow size or configurations  
16 of parcels of irregular size or shape that would be  
17 difficult to develop on a planned basis and in a manner  
18 compatible with contemporary standards and  
19 requirements, or platting that failed to create  
20 rights-of-ways for streets or alleys or that created  
21 inadequate right-of-way widths for streets, alleys, or  
22 other public rights-of-way or that omitted easements  
23 for public utilities.

24 (B) Diversity of ownership of parcels of vacant  
25 land sufficient in number to retard or impede the  
26 ability to assemble the land for development.

1           (C) Tax and special assessment delinquencies exist  
2           or the property has been the subject of tax sales under  
3           the Property Tax Code within the last 5 years.

4           (D) Deterioration of structures or site  
5           improvements in neighboring areas adjacent to the  
6           vacant land.

7           (E) The area has incurred Illinois Environmental  
8           Protection Agency or United States Environmental  
9           Protection Agency remediation costs for, or a study  
10          conducted by an independent consultant recognized as  
11          having expertise in environmental remediation has  
12          determined a need for, the clean-up of hazardous waste,  
13          hazardous substances, or underground storage tanks  
14          required by State or federal law, provided that the  
15          remediation costs constitute a material impediment to  
16          the development or redevelopment of the redevelopment  
17          project area.

18          (F) The total equalized assessed value of the  
19          proposed redevelopment project area has declined for 3  
20          of the last 5 calendar years prior to the year in which  
21          the redevelopment project area is designated or is  
22          increasing at an annual rate that is less than the  
23          balance of the municipality for 3 of the last 5  
24          calendar years for which information is available or is  
25          increasing at an annual rate that is less than the  
26          Consumer Price Index for All Urban Consumers published

1           by the United States Department of Labor or successor  
2           agency for 3 of the last 5 calendar years prior to the  
3           year in which the redevelopment project area is  
4           designated.

5           (3) If vacant, the sound growth of the redevelopment  
6           project area is impaired by one of the following factors  
7           that (i) is present, with that presence documented, to a  
8           meaningful extent so that a municipality may reasonably  
9           find that the factor is clearly present within the intent  
10          of the Act and (ii) is reasonably distributed throughout  
11          the vacant part of the redevelopment project area to which  
12          it pertains:

13                 (A) The area consists of one or more unused  
14                 quarries, mines, or strip mine ponds.

15                 (B) The area consists of unused rail yards, rail  
16                 tracks, or railroad rights-of-way.

17                 (C) The area, prior to its designation, is subject  
18                 to (i) chronic flooding that adversely impacts on real  
19                 property in the area as certified by a registered  
20                 professional engineer or appropriate regulatory agency  
21                 or (ii) surface water that discharges from all or a  
22                 part of the area and contributes to flooding within the  
23                 same watershed, but only if the redevelopment project  
24                 provides for facilities or improvements to contribute  
25                 to the alleviation of all or part of the flooding.

26                 (D) The area consists of an unused or illegal

1 disposal site containing earth, stone, building  
2 debris, or similar materials that were removed from  
3 construction, demolition, excavation, or dredge sites.

4 (E) Prior to November 1, 1999, the area is not less  
5 than 50 nor more than 100 acres and 75% of which is  
6 vacant (notwithstanding that the area has been used for  
7 commercial agricultural purposes within 5 years prior  
8 to the designation of the redevelopment project area),  
9 and the area meets at least one of the factors itemized  
10 in paragraph (1) of this subsection, the area has been  
11 designated as a town or village center by ordinance or  
12 comprehensive plan adopted prior to January 1, 1982,  
13 and the area has not been developed for that designated  
14 purpose.

15 (F) The area qualified as a blighted improved area  
16 immediately prior to becoming vacant, unless there has  
17 been substantial private investment in the immediately  
18 surrounding area.

19 (b) For any redevelopment project area that has been  
20 designated pursuant to this Section by an ordinance adopted  
21 prior to November 1, 1999 (the effective date of Public Act  
22 91-478), "conservation area" shall have the meaning set forth  
23 in this Section prior to that date.

24 On and after November 1, 1999, "conservation area" means  
25 any improved area within the boundaries of a redevelopment  
26 project area located within the territorial limits of the

1 municipality in which 50% or more of the structures in the area  
2 have an age of 35 years or more. Such an area is not yet a  
3 blighted area but because of a combination of 3 or more of the  
4 following factors is detrimental to the public safety, health,  
5 morals or welfare and such an area may become a blighted area:

6 (1) Dilapidation. An advanced state of disrepair or  
7 neglect of necessary repairs to the primary structural  
8 components of buildings or improvements in such a  
9 combination that a documented building condition analysis  
10 determines that major repair is required or the defects are  
11 so serious and so extensive that the buildings must be  
12 removed.

13 (2) Obsolescence. The condition or process of falling  
14 into disuse. Structures have become ill-suited for the  
15 original use.

16 (3) Deterioration. With respect to buildings, defects  
17 including, but not limited to, major defects in the  
18 secondary building components such as doors, windows,  
19 porches, gutters and downspouts, and fascia. With respect  
20 to surface improvements, that the condition of roadways,  
21 alleys, curbs, gutters, sidewalks, off-street parking, and  
22 surface storage areas evidence deterioration, including,  
23 but not limited to, surface cracking, crumbling, potholes,  
24 depressions, loose paving material, and weeds protruding  
25 through paved surfaces.

26 (4) Presence of structures below minimum code

1 standards. All structures that do not meet the standards of  
2 zoning, subdivision, building, fire, and other  
3 governmental codes applicable to property, but not  
4 including housing and property maintenance codes.

5 (5) Illegal use of individual structures. The use of  
6 structures in violation of applicable federal, State, or  
7 local laws, exclusive of those applicable to the presence  
8 of structures below minimum code standards.

9 (6) Excessive vacancies. The presence of buildings  
10 that are unoccupied or under-utilized and that represent an  
11 adverse influence on the area because of the frequency,  
12 extent, or duration of the vacancies.

13 (7) Lack of ventilation, light, or sanitary  
14 facilities. The absence of adequate ventilation for light  
15 or air circulation in spaces or rooms without windows, or  
16 that require the removal of dust, odor, gas, smoke, or  
17 other noxious airborne materials. Inadequate natural light  
18 and ventilation means the absence or inadequacy of  
19 skylights or windows for interior spaces or rooms and  
20 improper window sizes and amounts by room area to window  
21 area ratios. Inadequate sanitary facilities refers to the  
22 absence or inadequacy of garbage storage and enclosure,  
23 bathroom facilities, hot water and kitchens, and  
24 structural inadequacies preventing ingress and egress to  
25 and from all rooms and units within a building.

26 (8) Inadequate utilities. Underground and overhead

1 utilities such as storm sewers and storm drainage, sanitary  
2 sewers, water lines, and gas, telephone, and electrical  
3 services that are shown to be inadequate. Inadequate  
4 utilities are those that are: (i) of insufficient capacity  
5 to serve the uses in the redevelopment project area, (ii)  
6 deteriorated, antiquated, obsolete, or in disrepair, or  
7 (iii) lacking within the redevelopment project area.

8 (9) Excessive land coverage and overcrowding of  
9 structures and community facilities. The over-intensive  
10 use of property and the crowding of buildings and accessory  
11 facilities onto a site. Examples of problem conditions  
12 warranting the designation of an area as one exhibiting  
13 excessive land coverage are: the presence of buildings  
14 either improperly situated on parcels or located on parcels  
15 of inadequate size and shape in relation to present-day  
16 standards of development for health and safety and the  
17 presence of multiple buildings on a single parcel. For  
18 there to be a finding of excessive land coverage, these  
19 parcels must exhibit one or more of the following  
20 conditions: insufficient provision for light and air  
21 within or around buildings, increased threat of spread of  
22 fire due to the close proximity of buildings, lack of  
23 adequate or proper access to a public right-of-way, lack of  
24 reasonably required off-street parking, or inadequate  
25 provision for loading and service.

26 (10) Deleterious land use or layout. The existence of

1 incompatible land-use relationships, buildings occupied by  
2 inappropriate mixed-uses, or uses considered to be  
3 noxious, offensive, or unsuitable for the surrounding  
4 area.

5 (11) Lack of community planning. The proposed  
6 redevelopment project area was developed prior to or  
7 without the benefit or guidance of a community plan. This  
8 means that the development occurred prior to the adoption  
9 by the municipality of a comprehensive or other community  
10 plan or that the plan was not followed at the time of the  
11 area's development. This factor must be documented by  
12 evidence of adverse or incompatible land-use  
13 relationships, inadequate street layout, improper  
14 subdivision, parcels of inadequate shape and size to meet  
15 contemporary development standards, or other evidence  
16 demonstrating an absence of effective community planning.

17 (12) The area has incurred Illinois Environmental  
18 Protection Agency or United States Environmental  
19 Protection Agency remediation costs for, or a study  
20 conducted by an independent consultant recognized as  
21 having expertise in environmental remediation has  
22 determined a need for, the clean-up of hazardous waste,  
23 hazardous substances, or underground storage tanks  
24 required by State or federal law, provided that the  
25 remediation costs constitute a material impediment to the  
26 development or redevelopment of the redevelopment project

1 area.

2 (13) The total equalized assessed value of the proposed  
3 redevelopment project area has declined for 3 of the last 5  
4 calendar years for which information is available or is  
5 increasing at an annual rate that is less than the balance  
6 of the municipality for 3 of the last 5 calendar years for  
7 which information is available or is increasing at an  
8 annual rate that is less than the Consumer Price Index for  
9 All Urban Consumers published by the United States  
10 Department of Labor or successor agency for 3 of the last 5  
11 calendar years for which information is available.

12 (c) "Industrial park" means an area in a blighted or  
13 conservation area suitable for use by any manufacturing,  
14 industrial, research or transportation enterprise, of  
15 facilities to include but not be limited to factories, mills,  
16 processing plants, assembly plants, packing plants,  
17 fabricating plants, industrial distribution centers,  
18 warehouses, repair overhaul or service facilities, freight  
19 terminals, research facilities, test facilities or railroad  
20 facilities.

21 (d) "Industrial park conservation area" means an area  
22 within the boundaries of a redevelopment project area located  
23 within the territorial limits of a municipality that is a labor  
24 surplus municipality or within 1 1/2 miles of the territorial  
25 limits of a municipality that is a labor surplus municipality  
26 if the area is annexed to the municipality; which area is zoned

1 as industrial no later than at the time the municipality by  
2 ordinance designates the redevelopment project area, and which  
3 area includes both vacant land suitable for use as an  
4 industrial park and a blighted area or conservation area  
5 contiguous to such vacant land.

6 (e) "Labor surplus municipality" means a municipality in  
7 which, at any time during the 6 months before the municipality  
8 by ordinance designates an industrial park conservation area,  
9 the unemployment rate was over 6% and was also 100% or more of  
10 the national average unemployment rate for that same time as  
11 published in the United States Department of Labor Bureau of  
12 Labor Statistics publication entitled "The Employment  
13 Situation" or its successor publication. For the purpose of  
14 this subsection, if unemployment rate statistics for the  
15 municipality are not available, the unemployment rate in the  
16 municipality shall be deemed to be the same as the unemployment  
17 rate in the principal county in which the municipality is  
18 located.

19 (f) "Municipality" shall mean a city, village,  
20 incorporated town, or a township that is located in the  
21 unincorporated portion of a county with 3 million or more  
22 inhabitants, if the county adopted an ordinance that approved  
23 the township's redevelopment plan.

24 (g) "Initial Sales Tax Amounts" means the amount of taxes  
25 paid under the Retailers' Occupation Tax Act, Use Tax Act,  
26 Service Use Tax Act, the Service Occupation Tax Act, the

1 Municipal Retailers' Occupation Tax Act, and the Municipal  
2 Service Occupation Tax Act by retailers and servicemen on  
3 transactions at places located in a State Sales Tax Boundary  
4 during the calendar year 1985.

5 (g-1) "Revised Initial Sales Tax Amounts" means the amount  
6 of taxes paid under the Retailers' Occupation Tax Act, Use Tax  
7 Act, Service Use Tax Act, the Service Occupation Tax Act, the  
8 Municipal Retailers' Occupation Tax Act, and the Municipal  
9 Service Occupation Tax Act by retailers and servicemen on  
10 transactions at places located within the State Sales Tax  
11 Boundary revised pursuant to Section 11-74.4-8a(9) of this Act.

12 (h) "Municipal Sales Tax Increment" means an amount equal  
13 to the increase in the aggregate amount of taxes paid to a  
14 municipality from the Local Government Tax Fund arising from  
15 sales by retailers and servicemen within the redevelopment  
16 project area or State Sales Tax Boundary, as the case may be,  
17 for as long as the redevelopment project area or State Sales  
18 Tax Boundary, as the case may be, exist over and above the  
19 aggregate amount of taxes as certified by the Illinois  
20 Department of Revenue and paid under the Municipal Retailers'  
21 Occupation Tax Act and the Municipal Service Occupation Tax Act  
22 by retailers and servicemen, on transactions at places of  
23 business located in the redevelopment project area or State  
24 Sales Tax Boundary, as the case may be, during the base year  
25 which shall be the calendar year immediately prior to the year  
26 in which the municipality adopted tax increment allocation

1 financing. For purposes of computing the aggregate amount of  
2 such taxes for base years occurring prior to 1985, the  
3 Department of Revenue shall determine the Initial Sales Tax  
4 Amounts for such taxes and deduct therefrom an amount equal to  
5 4% of the aggregate amount of taxes per year for each year the  
6 base year is prior to 1985, but not to exceed a total deduction  
7 of 12%. The amount so determined shall be known as the  
8 "Adjusted Initial Sales Tax Amounts". For purposes of  
9 determining the Municipal Sales Tax Increment, the Department  
10 of Revenue shall for each period subtract from the amount paid  
11 to the municipality from the Local Government Tax Fund arising  
12 from sales by retailers and servicemen on transactions located  
13 in the redevelopment project area or the State Sales Tax  
14 Boundary, as the case may be, the certified Initial Sales Tax  
15 Amounts, the Adjusted Initial Sales Tax Amounts or the Revised  
16 Initial Sales Tax Amounts for the Municipal Retailers'  
17 Occupation Tax Act and the Municipal Service Occupation Tax  
18 Act. For the State Fiscal Year 1989, this calculation shall be  
19 made by utilizing the calendar year 1987 to determine the tax  
20 amounts received. For the State Fiscal Year 1990, this  
21 calculation shall be made by utilizing the period from January  
22 1, 1988, until September 30, 1988, to determine the tax amounts  
23 received from retailers and servicemen pursuant to the  
24 Municipal Retailers' Occupation Tax and the Municipal Service  
25 Occupation Tax Act, which shall have deducted therefrom  
26 nine-twelfths of the certified Initial Sales Tax Amounts, the

1 Adjusted Initial Sales Tax Amounts or the Revised Initial Sales  
2 Tax Amounts as appropriate. For the State Fiscal Year 1991,  
3 this calculation shall be made by utilizing the period from  
4 October 1, 1988, to June 30, 1989, to determine the tax amounts  
5 received from retailers and servicemen pursuant to the  
6 Municipal Retailers' Occupation Tax and the Municipal Service  
7 Occupation Tax Act which shall have deducted therefrom  
8 nine-twelfths of the certified Initial Sales Tax Amounts,  
9 Adjusted Initial Sales Tax Amounts or the Revised Initial Sales  
10 Tax Amounts as appropriate. For every State Fiscal Year  
11 thereafter, the applicable period shall be the 12 months  
12 beginning July 1 and ending June 30 to determine the tax  
13 amounts received which shall have deducted therefrom the  
14 certified Initial Sales Tax Amounts, the Adjusted Initial Sales  
15 Tax Amounts or the Revised Initial Sales Tax Amounts, as the  
16 case may be.

17 (i) "Net State Sales Tax Increment" means the sum of the  
18 following: (a) 80% of the first \$100,000 of State Sales Tax  
19 Increment annually generated within a State Sales Tax Boundary;  
20 (b) 60% of the amount in excess of \$100,000 but not exceeding  
21 \$500,000 of State Sales Tax Increment annually generated within  
22 a State Sales Tax Boundary; and (c) 40% of all amounts in  
23 excess of \$500,000 of State Sales Tax Increment annually  
24 generated within a State Sales Tax Boundary. If, however, a  
25 municipality established a tax increment financing district in  
26 a county with a population in excess of 3,000,000 before

1 January 1, 1986, and the municipality entered into a contract  
2 or issued bonds after January 1, 1986, but before December 31,  
3 1986, to finance redevelopment project costs within a State  
4 Sales Tax Boundary, then the Net State Sales Tax Increment  
5 means, for the fiscal years beginning July 1, 1990, and July 1,  
6 1991, 100% of the State Sales Tax Increment annually generated  
7 within a State Sales Tax Boundary; and notwithstanding any  
8 other provision of this Act, for those fiscal years the  
9 Department of Revenue shall distribute to those municipalities  
10 100% of their Net State Sales Tax Increment before any  
11 distribution to any other municipality and regardless of  
12 whether or not those other municipalities will receive 100% of  
13 their Net State Sales Tax Increment. For Fiscal Year 1999, and  
14 every year thereafter until the year 2007, for any municipality  
15 that has not entered into a contract or has not issued bonds  
16 prior to June 1, 1988 to finance redevelopment project costs  
17 within a State Sales Tax Boundary, the Net State Sales Tax  
18 Increment shall be calculated as follows: By multiplying the  
19 Net State Sales Tax Increment by 90% in the State Fiscal Year  
20 1999; 80% in the State Fiscal Year 2000; 70% in the State  
21 Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the  
22 State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30%  
23 in the State Fiscal Year 2005; 20% in the State Fiscal Year  
24 2006; and 10% in the State Fiscal Year 2007. No payment shall  
25 be made for State Fiscal Year 2008 and thereafter.

26 Municipalities that issued bonds in connection with a

1 redevelopment project in a redevelopment project area within  
2 the State Sales Tax Boundary prior to July 29, 1991, or that  
3 entered into contracts in connection with a redevelopment  
4 project in a redevelopment project area before June 1, 1988,  
5 shall continue to receive their proportional share of the  
6 Illinois Tax Increment Fund distribution until the date on  
7 which the redevelopment project is completed or terminated. If,  
8 however, a municipality that issued bonds in connection with a  
9 redevelopment project in a redevelopment project area within  
10 the State Sales Tax Boundary prior to July 29, 1991 retires the  
11 bonds prior to June 30, 2007 or a municipality that entered  
12 into contracts in connection with a redevelopment project in a  
13 redevelopment project area before June 1, 1988 completes the  
14 contracts prior to June 30, 2007, then so long as the  
15 redevelopment project is not completed or is not terminated,  
16 the Net State Sales Tax Increment shall be calculated,  
17 beginning on the date on which the bonds are retired or the  
18 contracts are completed, as follows: By multiplying the Net  
19 State Sales Tax Increment by 60% in the State Fiscal Year 2002;  
20 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year  
21 2004; 30% in the State Fiscal Year 2005; 20% in the State  
22 Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No  
23 payment shall be made for State Fiscal Year 2008 and  
24 thereafter. Refunding of any bonds issued prior to July 29,  
25 1991, shall not alter the Net State Sales Tax Increment.

26 (j) "State Utility Tax Increment Amount" means an amount

1 equal to the aggregate increase in State electric and gas tax  
2 charges imposed on owners and tenants, other than residential  
3 customers, of properties located within the redevelopment  
4 project area under Section 9-222 of the Public Utilities Act,  
5 over and above the aggregate of such charges as certified by  
6 the Department of Revenue and paid by owners and tenants, other  
7 than residential customers, of properties within the  
8 redevelopment project area during the base year, which shall be  
9 the calendar year immediately prior to the year of the adoption  
10 of the ordinance authorizing tax increment allocation  
11 financing.

12 (k) "Net State Utility Tax Increment" means the sum of the  
13 following: (a) 80% of the first \$100,000 of State Utility Tax  
14 Increment annually generated by a redevelopment project area;  
15 (b) 60% of the amount in excess of \$100,000 but not exceeding  
16 \$500,000 of the State Utility Tax Increment annually generated  
17 by a redevelopment project area; and (c) 40% of all amounts in  
18 excess of \$500,000 of State Utility Tax Increment annually  
19 generated by a redevelopment project area. For the State Fiscal  
20 Year 1999, and every year thereafter until the year 2007, for  
21 any municipality that has not entered into a contract or has  
22 not issued bonds prior to June 1, 1988 to finance redevelopment  
23 project costs within a redevelopment project area, the Net  
24 State Utility Tax Increment shall be calculated as follows: By  
25 multiplying the Net State Utility Tax Increment by 90% in the  
26 State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70%

1 in the State Fiscal Year 2001; 60% in the State Fiscal Year  
2 2002; 50% in the State Fiscal Year 2003; 40% in the State  
3 Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the  
4 State Fiscal Year 2006; and 10% in the State Fiscal Year 2007.  
5 No payment shall be made for the State Fiscal Year 2008 and  
6 thereafter.

7 Municipalities that issue bonds in connection with the  
8 redevelopment project during the period from June 1, 1988 until  
9 3 years after the effective date of this Amendatory Act of 1988  
10 shall receive the Net State Utility Tax Increment, subject to  
11 appropriation, for 15 State Fiscal Years after the issuance of  
12 such bonds. For the 16th through the 20th State Fiscal Years  
13 after issuance of the bonds, the Net State Utility Tax  
14 Increment shall be calculated as follows: By multiplying the  
15 Net State Utility Tax Increment by 90% in year 16; 80% in year  
16 17; 70% in year 18; 60% in year 19; and 50% in year 20.  
17 Refunding of any bonds issued prior to June 1, 1988, shall not  
18 alter the revised Net State Utility Tax Increment payments set  
19 forth above.

20 (l) "Obligations" mean bonds, loans, debentures, notes,  
21 special certificates or other evidence of indebtedness issued  
22 by the municipality to carry out a redevelopment project or to  
23 refund outstanding obligations.

24 (m) "Payment in lieu of taxes" means those estimated tax  
25 revenues from real property in a redevelopment project area  
26 derived from real property that has been acquired by a

1 municipality which according to the redevelopment project or  
2 plan is to be used for a private use which taxing districts  
3 would have received had a municipality not acquired the real  
4 property and adopted tax increment allocation financing and  
5 which would result from levies made after the time of the  
6 adoption of tax increment allocation financing to the time the  
7 current equalized value of real property in the redevelopment  
8 project area exceeds the total initial equalized value of real  
9 property in said area.

10 (n) "Redevelopment plan" means the comprehensive program  
11 of the municipality for development or redevelopment intended  
12 by the payment of redevelopment project costs to reduce or  
13 eliminate those conditions the existence of which qualified the  
14 redevelopment project area as a "blighted area" or  
15 "conservation area" or combination thereof or "industrial park  
16 conservation area," and thereby to enhance the tax bases of the  
17 taxing districts which extend into the redevelopment project  
18 area. On and after November 1, 1999 (the effective date of  
19 Public Act 91-478), no redevelopment plan may be approved or  
20 amended that includes the development of vacant land (i) with a  
21 golf course and related clubhouse and other facilities or (ii)  
22 designated by federal, State, county, or municipal government  
23 as public land for outdoor recreational activities or for  
24 nature preserves and used for that purpose within 5 years prior  
25 to the adoption of the redevelopment plan. For the purpose of  
26 this subsection, "recreational activities" is limited to mean

1 camping and hunting. Each redevelopment plan shall set forth in  
2 writing the program to be undertaken to accomplish the  
3 objectives and shall include but not be limited to:

4 (A) an itemized list of estimated redevelopment  
5 project costs;

6 (B) evidence indicating that the redevelopment project  
7 area on the whole has not been subject to growth and  
8 development through investment by private enterprise;

9 (C) an assessment of any financial impact of the  
10 redevelopment project area on or any increased demand for  
11 services from any taxing district affected by the plan and  
12 any program to address such financial impact or increased  
13 demand;

14 (D) the sources of funds to pay costs;

15 (E) the nature and term of the obligations to be  
16 issued;

17 (F) the most recent equalized assessed valuation of the  
18 redevelopment project area;

19 (G) an estimate as to the equalized assessed valuation  
20 after redevelopment and the general land uses to apply in  
21 the redevelopment project area;

22 (H) a commitment to fair employment practices and an  
23 affirmative action plan;

24 (I) if it concerns an industrial park conservation  
25 area, the plan shall also include a general description of  
26 any proposed developer, user and tenant of any property, a

1 description of the type, structure and general character of  
2 the facilities to be developed, a description of the type,  
3 class and number of new employees to be employed in the  
4 operation of the facilities to be developed; and

5 (J) if property is to be annexed to the municipality,  
6 the plan shall include the terms of the annexation  
7 agreement.

8 The provisions of items (B) and (C) of this subsection (n)  
9 shall not apply to a municipality that before March 14, 1994  
10 (the effective date of Public Act 88-537) had fixed, either by  
11 its corporate authorities or by a commission designated under  
12 subsection (k) of Section 11-74.4-4, a time and place for a  
13 public hearing as required by subsection (a) of Section  
14 11-74.4-5. No redevelopment plan shall be adopted unless a  
15 municipality complies with all of the following requirements:

16 (1) The municipality finds that the redevelopment  
17 project area on the whole has not been subject to growth  
18 and development through investment by private enterprise  
19 and would not reasonably be anticipated to be developed  
20 without the adoption of the redevelopment plan.

21 (2) The municipality finds that the redevelopment plan  
22 and project conform to the comprehensive plan for the  
23 development of the municipality as a whole, or, for  
24 municipalities with a population of 100,000 or more,  
25 regardless of when the redevelopment plan and project was  
26 adopted, the redevelopment plan and project either: (i)

1 conforms to the strategic economic development or  
2 redevelopment plan issued by the designated planning  
3 authority of the municipality, or (ii) includes land uses  
4 that have been approved by the planning commission of the  
5 municipality.

6 (3) The redevelopment plan establishes the estimated  
7 dates of completion of the redevelopment project and  
8 retirement of obligations issued to finance redevelopment  
9 project costs. Those dates may not be later than the dates  
10 set forth under Section 11-74.4-3.5.

11 A municipality may by municipal ordinance amend an  
12 existing redevelopment plan to conform to this paragraph  
13 (3) as amended by Public Act 91-478, which municipal  
14 ordinance may be adopted without further hearing or notice  
15 and without complying with the procedures provided in this  
16 Act pertaining to an amendment to or the initial approval  
17 of a redevelopment plan and project and designation of a  
18 redevelopment project area.

19 (3.5) The municipality finds, in the case of an  
20 industrial park conservation area, also that the  
21 municipality is a labor surplus municipality and that the  
22 implementation of the redevelopment plan will reduce  
23 unemployment, create new jobs and by the provision of new  
24 facilities enhance the tax base of the taxing districts  
25 that extend into the redevelopment project area.

26 (4) If any incremental revenues are being utilized

1 under Section 8(a)(1) or 8(a)(2) of this Act in  
2 redevelopment project areas approved by ordinance after  
3 January 1, 1986, the municipality finds: (a) that the  
4 redevelopment project area would not reasonably be  
5 developed without the use of such incremental revenues, and  
6 (b) that such incremental revenues will be exclusively  
7 utilized for the development of the redevelopment project  
8 area.

9 (5) If the redevelopment plan will not result in  
10 displacement of residents from 10 or more inhabited  
11 residential units, and the municipality certifies in the  
12 plan that such displacement will not result from the plan,  
13 a housing impact study need not be performed. If, however,  
14 the redevelopment plan would result in the displacement of  
15 residents from 10 or more inhabited residential units, or  
16 if the redevelopment project area contains 75 or more  
17 inhabited residential units and no certification is made,  
18 then the municipality shall prepare, as part of the  
19 separate feasibility report required by subsection (a) of  
20 Section 11-74.4-5, a housing impact study.

21 Part I of the housing impact study shall include (i)  
22 data as to whether the residential units are single family  
23 or multi-family units, (ii) the number and type of rooms  
24 within the units, if that information is available, (iii)  
25 whether the units are inhabited or uninhabited, as  
26 determined not less than 45 days before the date that the

1 ordinance or resolution required by subsection (a) of  
2 Section 11-74.4-5 is passed, and (iv) data as to the racial  
3 and ethnic composition of the residents in the inhabited  
4 residential units. The data requirement as to the racial  
5 and ethnic composition of the residents in the inhabited  
6 residential units shall be deemed to be fully satisfied by  
7 data from the most recent federal census.

8 Part II of the housing impact study shall identify the  
9 inhabited residential units in the proposed redevelopment  
10 project area that are to be or may be removed. If inhabited  
11 residential units are to be removed, then the housing  
12 impact study shall identify (i) the number and location of  
13 those units that will or may be removed, (ii) the  
14 municipality's plans for relocation assistance for those  
15 residents in the proposed redevelopment project area whose  
16 residences are to be removed, (iii) the availability of  
17 replacement housing for those residents whose residences  
18 are to be removed, and shall identify the type, location,  
19 and cost of the housing, and (iv) the type and extent of  
20 relocation assistance to be provided.

21 (6) On and after November 1, 1999, the housing impact  
22 study required by paragraph (5) shall be incorporated in  
23 the redevelopment plan for the redevelopment project area.

24 (7) On and after November 1, 1999, no redevelopment  
25 plan shall be adopted, nor an existing plan amended, nor  
26 shall residential housing that is occupied by households of

1 low-income and very low-income persons in currently  
2 existing redevelopment project areas be removed after  
3 November 1, 1999 unless the redevelopment plan provides,  
4 with respect to inhabited housing units that are to be  
5 removed for households of low-income and very low-income  
6 persons, affordable housing and relocation assistance not  
7 less than that which would be provided under the federal  
8 Uniform Relocation Assistance and Real Property  
9 Acquisition Policies Act of 1970 and the regulations under  
10 that Act, including the eligibility criteria. Affordable  
11 housing may be either existing or newly constructed  
12 housing. For purposes of this paragraph (7), "low-income  
13 households", "very low-income households", and "affordable  
14 housing" have the meanings set forth in the Illinois  
15 Affordable Housing Act. The municipality shall make a good  
16 faith effort to ensure that this affordable housing is  
17 located in or near the redevelopment project area within  
18 the municipality.

19 (8) On and after November 1, 1999, if, after the  
20 adoption of the redevelopment plan for the redevelopment  
21 project area, any municipality desires to amend its  
22 redevelopment plan to remove more inhabited residential  
23 units than specified in its original redevelopment plan,  
24 that change shall be made in accordance with the procedures  
25 in subsection (c) of Section 11-74.4-5.

26 (9) For redevelopment project areas designated prior

1 to November 1, 1999, the redevelopment plan may be amended  
2 without further joint review board meeting or hearing,  
3 provided that the municipality shall give notice of any  
4 such changes by mail to each affected taxing district and  
5 registrant on the interested party registry, to authorize  
6 the municipality to expend tax increment revenues for  
7 redevelopment project costs defined by paragraphs (5) and  
8 (7.5), subparagraphs (E) and (F) of paragraph (11), and  
9 paragraph (11.5) of subsection (q) of Section 11-74.4-3, so  
10 long as the changes do not increase the total estimated  
11 redevelopment project costs set out in the redevelopment  
12 plan by more than 5% after adjustment for inflation from  
13 the date the plan was adopted.

14 (o) "Redevelopment project" means any public and private  
15 development project in furtherance of the objectives of a  
16 redevelopment plan. On and after November 1, 1999 (the  
17 effective date of Public Act 91-478), no redevelopment plan may  
18 be approved or amended that includes the development of vacant  
19 land (i) with a golf course and related clubhouse and other  
20 facilities or (ii) designated by federal, State, county, or  
21 municipal government as public land for outdoor recreational  
22 activities or for nature preserves and used for that purpose  
23 within 5 years prior to the adoption of the redevelopment plan.  
24 For the purpose of this subsection, "recreational activities"  
25 is limited to mean camping and hunting.

26 (p) "Redevelopment project area" means an area designated

1 by the municipality, which is not less in the aggregate than 1  
2 1/2 acres and in respect to which the municipality has made a  
3 finding that there exist conditions which cause the area to be  
4 classified as an industrial park conservation area or a  
5 blighted area or a conservation area, or a combination of both  
6 blighted areas and conservation areas.

7 (p-1) Notwithstanding any provision of this Act to the  
8 contrary, on and after August 25, 2009 (the effective date of  
9 Public Act 96-680) ~~this amendatory Act of the 96th General~~  
10 ~~Assembly~~, a redevelopment project area may include areas within  
11 a one-half mile radius of an existing or proposed Regional  
12 Transportation Authority Suburban Transit Access Route (STAR  
13 Line) station without a finding that the area is classified as  
14 an industrial park conservation area, a blighted area, a  
15 conservation area, or a combination thereof, but only if the  
16 municipality receives unanimous consent from the joint review  
17 board created to review the proposed redevelopment project  
18 area.

19 (q) "Redevelopment project costs", except for  
20 redevelopment project areas created pursuant to subsection  
21 (p-1), means ~~mean~~ and includes ~~include~~ the sum total of all  
22 reasonable or necessary costs incurred or estimated to be  
23 incurred, and any such costs incidental to a redevelopment plan  
24 and a redevelopment project. Such costs include, without  
25 limitation, the following:

26 (1) Costs of studies, surveys, development of plans,

1 and specifications, implementation and administration of  
2 the redevelopment plan including but not limited to staff  
3 and professional service costs for architectural,  
4 engineering, legal, financial, planning or other services,  
5 provided however that no charges for professional services  
6 may be based on a percentage of the tax increment  
7 collected; except that on and after November 1, 1999 (the  
8 effective date of Public Act 91-478), no contracts for  
9 professional services, excluding architectural and  
10 engineering services, may be entered into if the terms of  
11 the contract extend beyond a period of 3 years. In  
12 addition, "redevelopment project costs" shall not include  
13 lobbying expenses. After consultation with the  
14 municipality, each tax increment consultant or advisor to a  
15 municipality that plans to designate or has designated a  
16 redevelopment project area shall inform the municipality  
17 in writing of any contracts that the consultant or advisor  
18 has entered into with entities or individuals that have  
19 received, or are receiving, payments financed by tax  
20 increment revenues produced by the redevelopment project  
21 area with respect to which the consultant or advisor has  
22 performed, or will be performing, service for the  
23 municipality. This requirement shall be satisfied by the  
24 consultant or advisor before the commencement of services  
25 for the municipality and thereafter whenever any other  
26 contracts with those individuals or entities are executed

1 by the consultant or advisor;

2 (1.5) After July 1, 1999, annual administrative costs  
3 shall not include general overhead or administrative costs  
4 of the municipality that would still have been incurred by  
5 the municipality if the municipality had not designated a  
6 redevelopment project area or approved a redevelopment  
7 plan;

8 (1.6) The cost of marketing sites within the  
9 redevelopment project area to prospective businesses,  
10 developers, and investors;

11 (2) Property assembly costs, including but not limited  
12 to acquisition of land and other property, real or  
13 personal, or rights or interests therein, demolition of  
14 buildings, site preparation, site improvements that serve  
15 as an engineered barrier addressing ground level or below  
16 ground environmental contamination, including, but not  
17 limited to parking lots and other concrete or asphalt  
18 barriers, and the clearing and grading of land;

19 (3) Costs of rehabilitation, reconstruction or repair  
20 or remodeling of existing public or private buildings,  
21 fixtures, and leasehold improvements; and the cost of  
22 replacing an existing public building if pursuant to the  
23 implementation of a redevelopment project the existing  
24 public building is to be demolished to use the site for  
25 private investment or devoted to a different use requiring  
26 private investment; including any direct or indirect costs

1 relating to Green Globes or LEED certified construction  
2 elements or construction elements with an equivalent  
3 certification;

4 (4) Costs of the construction of public works or  
5 improvements, including any direct or indirect costs  
6 relating to Green Globes or LEED certified construction  
7 elements or construction elements with an equivalent  
8 certification, except that on and after November 1, 1999,  
9 redevelopment project costs shall not include the cost of  
10 constructing a new municipal public building principally  
11 used to provide offices, storage space, or conference  
12 facilities or vehicle storage, maintenance, or repair for  
13 administrative, public safety, or public works personnel  
14 and that is not intended to replace an existing public  
15 building as provided under paragraph (3) of subsection (q)  
16 of Section 11-74.4-3 unless either (i) the construction of  
17 the new municipal building implements a redevelopment  
18 project that was included in a redevelopment plan that was  
19 adopted by the municipality prior to November 1, 1999 or  
20 (ii) the municipality makes a reasonable determination in  
21 the redevelopment plan, supported by information that  
22 provides the basis for that determination, that the new  
23 municipal building is required to meet an increase in the  
24 need for public safety purposes anticipated to result from  
25 the implementation of the redevelopment plan;

26 (5) Costs of job training and retraining projects,

1 including the cost of "welfare to work" programs  
2 implemented by businesses located within the redevelopment  
3 project area;

4 (6) Financing costs, including but not limited to all  
5 necessary and incidental expenses related to the issuance  
6 of obligations and which may include payment of interest on  
7 any obligations issued hereunder including interest  
8 accruing during the estimated period of construction of any  
9 redevelopment project for which such obligations are  
10 issued and for not exceeding 36 months thereafter and  
11 including reasonable reserves related thereto;

12 (7) To the extent the municipality by written agreement  
13 accepts and approves the same, all or a portion of a taxing  
14 district's capital costs resulting from the redevelopment  
15 project necessarily incurred or to be incurred within a  
16 taxing district in furtherance of the objectives of the  
17 redevelopment plan and project.

18 (7.5) For redevelopment project areas designated (or  
19 redevelopment project areas amended to add or increase the  
20 number of tax-increment-financing assisted housing units)  
21 on or after November 1, 1999, an elementary, secondary, or  
22 unit school district's increased costs attributable to  
23 assisted housing units located within the redevelopment  
24 project area for which the developer or redeveloper  
25 receives financial assistance through an agreement with  
26 the municipality or because the municipality incurs the

1 cost of necessary infrastructure improvements within the  
2 boundaries of the assisted housing sites necessary for the  
3 completion of that housing as authorized by this Act, and  
4 which costs shall be paid by the municipality from the  
5 Special Tax Allocation Fund when the tax increment revenue  
6 is received as a result of the assisted housing units and  
7 shall be calculated annually as follows:

8 (A) for foundation districts, excluding any school  
9 district in a municipality with a population in excess  
10 of 1,000,000, by multiplying the district's increase  
11 in attendance resulting from the net increase in new  
12 students enrolled in that school district who reside in  
13 housing units within the redevelopment project area  
14 that have received financial assistance through an  
15 agreement with the municipality or because the  
16 municipality incurs the cost of necessary  
17 infrastructure improvements within the boundaries of  
18 the housing sites necessary for the completion of that  
19 housing as authorized by this Act since the designation  
20 of the redevelopment project area by the most recently  
21 available per capita tuition cost as defined in Section  
22 10-20.12a of the School Code less any increase in  
23 general State aid as defined in Section 18-8.05 of the  
24 School Code attributable to these added new students  
25 subject to the following annual limitations:

26 (i) for unit school districts with a district

1 average 1995-96 Per Capita Tuition Charge of less  
2 than \$5,900, no more than 25% of the total amount  
3 of property tax increment revenue produced by  
4 those housing units that have received tax  
5 increment finance assistance under this Act;

6 (ii) for elementary school districts with a  
7 district average 1995-96 Per Capita Tuition Charge  
8 of less than \$5,900, no more than 17% of the total  
9 amount of property tax increment revenue produced  
10 by those housing units that have received tax  
11 increment finance assistance under this Act; and

12 (iii) for secondary school districts with a  
13 district average 1995-96 Per Capita Tuition Charge  
14 of less than \$5,900, no more than 8% of the total  
15 amount of property tax increment revenue produced  
16 by those housing units that have received tax  
17 increment finance assistance under this Act.

18 (B) For alternate method districts, flat grant  
19 districts, and foundation districts with a district  
20 average 1995-96 Per Capita Tuition Charge equal to or  
21 more than \$5,900, excluding any school district with a  
22 population in excess of 1,000,000, by multiplying the  
23 district's increase in attendance resulting from the  
24 net increase in new students enrolled in that school  
25 district who reside in housing units within the  
26 redevelopment project area that have received

1 financial assistance through an agreement with the  
2 municipality or because the municipality incurs the  
3 cost of necessary infrastructure improvements within  
4 the boundaries of the housing sites necessary for the  
5 completion of that housing as authorized by this Act  
6 since the designation of the redevelopment project  
7 area by the most recently available per capita tuition  
8 cost as defined in Section 10-20.12a of the School Code  
9 less any increase in general state aid as defined in  
10 Section 18-8.05 of the School Code attributable to  
11 these added new students subject to the following  
12 annual limitations:

13 (i) for unit school districts, no more than 40%  
14 of the total amount of property tax increment  
15 revenue produced by those housing units that have  
16 received tax increment finance assistance under  
17 this Act;

18 (ii) for elementary school districts, no more  
19 than 27% of the total amount of property tax  
20 increment revenue produced by those housing units  
21 that have received tax increment finance  
22 assistance under this Act; and

23 (iii) for secondary school districts, no more  
24 than 13% of the total amount of property tax  
25 increment revenue produced by those housing units  
26 that have received tax increment finance

1 assistance under this Act.

2 (C) For any school district in a municipality with  
3 a population in excess of 1,000,000, the following  
4 restrictions shall apply to the reimbursement of  
5 increased costs under this paragraph (7.5):

6 (i) no increased costs shall be reimbursed  
7 unless the school district certifies that each of  
8 the schools affected by the assisted housing  
9 project is at or over its student capacity;

10 (ii) the amount reimbursable shall be reduced  
11 by the value of any land donated to the school  
12 district by the municipality or developer, and by  
13 the value of any physical improvements made to the  
14 schools by the municipality or developer; and

15 (iii) the amount reimbursed may not affect  
16 amounts otherwise obligated by the terms of any  
17 bonds, notes, or other funding instruments, or the  
18 terms of any redevelopment agreement.

19 Any school district seeking payment under this  
20 paragraph (7.5) shall, after July 1 and before  
21 September 30 of each year, provide the municipality  
22 with reasonable evidence to support its claim for  
23 reimbursement before the municipality shall be  
24 required to approve or make the payment to the school  
25 district. If the school district fails to provide the  
26 information during this period in any year, it shall

1           forfeit any claim to reimbursement for that year.  
2           School districts may adopt a resolution waiving the  
3           right to all or a portion of the reimbursement  
4           otherwise required by this paragraph (7.5). By  
5           acceptance of this reimbursement the school district  
6           waives the right to directly or indirectly set aside,  
7           modify, or contest in any manner the establishment of  
8           the redevelopment project area or projects;

9           (7.7) For redevelopment project areas designated (or  
10          redevelopment project areas amended to add or increase the  
11          number of tax-increment-financing assisted housing units)  
12          on or after January 1, 2005 (the effective date of Public  
13          Act 93-961), a public library district's increased costs  
14          attributable to assisted housing units located within the  
15          redevelopment project area for which the developer or  
16          redeveloper receives financial assistance through an  
17          agreement with the municipality or because the  
18          municipality incurs the cost of necessary infrastructure  
19          improvements within the boundaries of the assisted housing  
20          sites necessary for the completion of that housing as  
21          authorized by this Act shall be paid to the library  
22          district by the municipality from the Special Tax  
23          Allocation Fund when the tax increment revenue is received  
24          as a result of the assisted housing units. This paragraph  
25          (7.7) applies only if (i) the library district is located  
26          in a county that is subject to the Property Tax Extension

1           Limitation Law or (ii) the library district is not located  
2           in a county that is subject to the Property Tax Extension  
3           Limitation Law but the district is prohibited by any other  
4           law from increasing its tax levy rate without a prior voter  
5           referendum.

6           The amount paid to a library district under this  
7           paragraph (7.7) shall be calculated by multiplying (i) the  
8           net increase in the number of persons eligible to obtain a  
9           library card in that district who reside in housing units  
10          within the redevelopment project area that have received  
11          financial assistance through an agreement with the  
12          municipality or because the municipality incurs the cost of  
13          necessary infrastructure improvements within the  
14          boundaries of the housing sites necessary for the  
15          completion of that housing as authorized by this Act since  
16          the designation of the redevelopment project area by (ii)  
17          the per-patron cost of providing library services so long  
18          as it does not exceed \$120. The per-patron cost shall be  
19          the Total Operating Expenditures Per Capita as stated in  
20          the most recent Illinois Public Library Statistics  
21          produced by the Library Research Center at the University  
22          of Illinois. The municipality may deduct from the amount  
23          that it must pay to a library district under this paragraph  
24          any amount that it has voluntarily paid to the library  
25          district from the tax increment revenue. The amount paid to  
26          a library district under this paragraph (7.7) shall be no

1 more than 2% of the amount produced by the assisted housing  
2 units and deposited into the Special Tax Allocation Fund.

3 A library district is not eligible for any payment  
4 under this paragraph (7.7) unless the library district has  
5 experienced an increase in the number of patrons from the  
6 municipality that created the tax-increment-financing  
7 district since the designation of the redevelopment  
8 project area.

9 Any library district seeking payment under this  
10 paragraph (7.7) shall, after July 1 and before September 30  
11 of each year, provide the municipality with convincing  
12 evidence to support its claim for reimbursement before the  
13 municipality shall be required to approve or make the  
14 payment to the library district. If the library district  
15 fails to provide the information during this period in any  
16 year, it shall forfeit any claim to reimbursement for that  
17 year. Library districts may adopt a resolution waiving the  
18 right to all or a portion of the reimbursement otherwise  
19 required by this paragraph (7.7). By acceptance of such  
20 reimbursement, the library district shall forfeit any  
21 right to directly or indirectly set aside, modify, or  
22 contest in any manner whatsoever the establishment of the  
23 redevelopment project area or projects;

24 (8) Relocation costs to the extent that a municipality  
25 determines that relocation costs shall be paid or is  
26 required to make payment of relocation costs by federal or

1 State law or in order to satisfy subparagraph (7) of  
2 subsection (n);

3 (9) Payment in lieu of taxes;

4 (10) Costs of job training, retraining, advanced  
5 vocational education or career education, including but  
6 not limited to courses in occupational, semi-technical or  
7 technical fields leading directly to employment, incurred  
8 by one or more taxing districts, provided that such costs

9 (i) are related to the establishment and maintenance of  
10 additional job training, advanced vocational education or  
11 career education programs for persons employed or to be  
12 employed by employers located in a redevelopment project  
13 area; and (ii) when incurred by a taxing district or taxing  
14 districts other than the municipality, are set forth in a  
15 written agreement by or among the municipality and the  
16 taxing district or taxing districts, which agreement  
17 describes the program to be undertaken, including but not  
18 limited to the number of employees to be trained, a  
19 description of the training and services to be provided,  
20 the number and type of positions available or to be  
21 available, itemized costs of the program and sources of  
22 funds to pay for the same, and the term of the agreement.  
23 Such costs include, specifically, the payment by community  
24 college districts of costs pursuant to Sections 3-37, 3-38,  
25 3-40 and 3-40.1 of the Public Community College Act and by  
26 school districts of costs pursuant to Sections 10-22.20a

1 and 10-23.3a of The School Code;

2 (11) Interest cost incurred by a redeveloper related to  
3 the construction, renovation or rehabilitation of a  
4 redevelopment project provided that:

5 (A) such costs are to be paid directly from the  
6 special tax allocation fund established pursuant to  
7 this Act;

8 (B) such payments in any one year may not exceed  
9 30% of the annual interest costs incurred by the  
10 redeveloper with regard to the redevelopment project  
11 during that year;

12 (C) if there are not sufficient funds available in  
13 the special tax allocation fund to make the payment  
14 pursuant to this paragraph (11) then the amounts so due  
15 shall accrue and be payable when sufficient funds are  
16 available in the special tax allocation fund;

17 (D) the total of such interest payments paid  
18 pursuant to this Act may not exceed 30% of the total  
19 (i) cost paid or incurred by the redeveloper for the  
20 redevelopment project plus (ii) redevelopment project  
21 costs excluding any property assembly costs and any  
22 relocation costs incurred by a municipality pursuant  
23 to this Act; and

24 (E) the cost limits set forth in subparagraphs (B)  
25 and (D) of paragraph (11) shall be modified for the  
26 financing of rehabilitated or new housing units for

1 low-income households and very low-income households,  
2 as defined in Section 3 of the Illinois Affordable  
3 Housing Act. The percentage of 75% shall be substituted  
4 for 30% in subparagraphs (B) and (D) of paragraph (11).

5 (F) Instead of the eligible costs provided by  
6 subparagraphs (B) and (D) of paragraph (11), as  
7 modified by this subparagraph, and notwithstanding any  
8 other provisions of this Act to the contrary, the  
9 municipality may pay from tax increment revenues up to  
10 50% of the cost of construction of new housing units to  
11 be occupied by low-income households and very  
12 low-income households as defined in Section 3 of the  
13 Illinois Affordable Housing Act. The cost of  
14 construction of those units may be derived from the  
15 proceeds of bonds issued by the municipality under this  
16 Act or other constitutional or statutory authority or  
17 from other sources of municipal revenue that may be  
18 reimbursed from tax increment revenues or the proceeds  
19 of bonds issued to finance the construction of that  
20 housing.

21 The eligible costs provided under this  
22 subparagraph (F) of paragraph (11) shall be an eligible  
23 cost for the construction, renovation, and  
24 rehabilitation of all low and very low-income housing  
25 units, as defined in Section 3 of the Illinois  
26 Affordable Housing Act, within the redevelopment

1 project area. If the low and very low-income units are  
2 part of a residential redevelopment project that  
3 includes units not affordable to low and very  
4 low-income households, only the low and very  
5 low-income units shall be eligible for benefits under  
6 subparagraph (F) of paragraph (11). The standards for  
7 maintaining the occupancy by low-income households and  
8 very low-income households, as defined in Section 3 of  
9 the Illinois Affordable Housing Act, of those units  
10 constructed with eligible costs made available under  
11 the provisions of this subparagraph (F) of paragraph  
12 (11) shall be established by guidelines adopted by the  
13 municipality. The responsibility for annually  
14 documenting the initial occupancy of the units by  
15 low-income households and very low-income households,  
16 as defined in Section 3 of the Illinois Affordable  
17 Housing Act, shall be that of the then current owner of  
18 the property. For ownership units, the guidelines will  
19 provide, at a minimum, for a reasonable recapture of  
20 funds, or other appropriate methods designed to  
21 preserve the original affordability of the ownership  
22 units. For rental units, the guidelines will provide,  
23 at a minimum, for the affordability of rent to low and  
24 very low-income households. As units become available,  
25 they shall be rented to income-eligible tenants. The  
26 municipality may modify these guidelines from time to

1           time; the guidelines, however, shall be in effect for  
2           as long as tax increment revenue is being used to pay  
3           for costs associated with the units or for the  
4           retirement of bonds issued to finance the units or for  
5           the life of the redevelopment project area, whichever  
6           is later.

7           (11.5) If the redevelopment project area is located  
8           within a municipality with a population of more than  
9           100,000, the cost of day care services for children of  
10          employees from low-income families working for businesses  
11          located within the redevelopment project area and all or a  
12          portion of the cost of operation of day care centers  
13          established by redevelopment project area businesses to  
14          serve employees from low-income families working in  
15          businesses located in the redevelopment project area. For  
16          the purposes of this paragraph, "low-income families"  
17          means families whose annual income does not exceed 80% of  
18          the municipal, county, or regional median income, adjusted  
19          for family size, as the annual income and municipal,  
20          county, or regional median income are determined from time  
21          to time by the United States Department of Housing and  
22          Urban Development.

23          (12) Unless explicitly stated herein the cost of  
24          construction of new privately-owned buildings shall not be  
25          an eligible redevelopment project cost.

26          (13) After November 1, 1999 (the effective date of

1 Public Act 91-478), none of the redevelopment project costs  
2 enumerated in this subsection shall be eligible  
3 redevelopment project costs if those costs would provide  
4 direct financial support to a retail entity initiating  
5 operations in the redevelopment project area while  
6 terminating operations at another Illinois location within  
7 10 miles of the redevelopment project area but outside the  
8 boundaries of the redevelopment project area municipality.  
9 For purposes of this paragraph, termination means a closing  
10 of a retail operation that is directly related to the  
11 opening of the same operation or like retail entity owned  
12 or operated by more than 50% of the original ownership in a  
13 redevelopment project area, but it does not mean closing an  
14 operation for reasons beyond the control of the retail  
15 entity, as documented by the retail entity, subject to a  
16 reasonable finding by the municipality that the current  
17 location contained inadequate space, had become  
18 economically obsolete, or was no longer a viable location  
19 for the retailer or serviceman.

20 (14) No cost shall be a redevelopment project cost in a  
21 redevelopment project area if used to demolish, remove, or  
22 substantially modify a historic resource, after August 26,  
23 2008 (the effective date of Public Act 95-934), unless no  
24 prudent and feasible alternative exists. "Historic  
25 resource" for the purpose of this item (14) means (i) a  
26 place or structure that is included or eligible for

1 inclusion on the National Register of Historic Places or  
2 (ii) a contributing structure in a district on the National  
3 Register of Historic Places. This item (14) does not apply  
4 to a place or structure for which demolition, removal, or  
5 modification is subject to review by the preservation  
6 agency of a Certified Local Government designated as such  
7 by the National Park Service of the United States  
8 Department of the Interior.

9 If a special service area has been established pursuant to  
10 the Special Service Area Tax Act or Special Service Area Tax  
11 Law, then any tax increment revenues derived from the tax  
12 imposed pursuant to the Special Service Area Tax Act or Special  
13 Service Area Tax Law may be used within the redevelopment  
14 project area for the purposes permitted by that Act or Law as  
15 well as the purposes permitted by this Act.

16 (q-1) For redevelopment project areas created pursuant to  
17 subsection (p-1), "redevelopment project costs" are limited to  
18 those costs in paragraph (q) that are related to the existing  
19 or proposed Regional Transportation Authority Suburban Transit  
20 Access Route (STAR Line) station.

21 (r) "State Sales Tax Boundary" means the redevelopment  
22 project area or the amended redevelopment project area  
23 boundaries which are determined pursuant to subsection (9) of  
24 Section 11-74.4-8a of this Act. The Department of Revenue shall  
25 certify pursuant to subsection (9) of Section 11-74.4-8a the  
26 appropriate boundaries eligible for the determination of State

1 Sales Tax Increment.

2 (s) "State Sales Tax Increment" means an amount equal to  
3 the increase in the aggregate amount of taxes paid by retailers  
4 and servicemen, other than retailers and servicemen subject to  
5 the Public Utilities Act, on transactions at places of business  
6 located within a State Sales Tax Boundary pursuant to the  
7 Retailers' Occupation Tax Act, the Use Tax Act, the Service Use  
8 Tax Act, and the Service Occupation Tax Act, except such  
9 portion of such increase that is paid into the State and Local  
10 Sales Tax Reform Fund, the Local Government Distributive Fund,  
11 the Local Government Tax Fund and the County and Mass Transit  
12 District Fund, for as long as State participation exists, over  
13 and above the Initial Sales Tax Amounts, Adjusted Initial Sales  
14 Tax Amounts or the Revised Initial Sales Tax Amounts for such  
15 taxes as certified by the Department of Revenue and paid under  
16 those Acts by retailers and servicemen on transactions at  
17 places of business located within the State Sales Tax Boundary  
18 during the base year which shall be the calendar year  
19 immediately prior to the year in which the municipality adopted  
20 tax increment allocation financing, less 3.0% of such amounts  
21 generated under the Retailers' Occupation Tax Act, Use Tax Act  
22 and Service Use Tax Act and the Service Occupation Tax Act,  
23 which sum shall be appropriated to the Department of Revenue to  
24 cover its costs of administering and enforcing this Section.  
25 For purposes of computing the aggregate amount of such taxes  
26 for base years occurring prior to 1985, the Department of

1 Revenue shall compute the Initial Sales Tax Amount for such  
2 taxes and deduct therefrom an amount equal to 4% of the  
3 aggregate amount of taxes per year for each year the base year  
4 is prior to 1985, but not to exceed a total deduction of 12%.  
5 The amount so determined shall be known as the "Adjusted  
6 Initial Sales Tax Amount". For purposes of determining the  
7 State Sales Tax Increment the Department of Revenue shall for  
8 each period subtract from the tax amounts received from  
9 retailers and servicemen on transactions located in the State  
10 Sales Tax Boundary, the certified Initial Sales Tax Amounts,  
11 Adjusted Initial Sales Tax Amounts or Revised Initial Sales Tax  
12 Amounts for the Retailers' Occupation Tax Act, the Use Tax Act,  
13 the Service Use Tax Act and the Service Occupation Tax Act. For  
14 the State Fiscal Year 1989 this calculation shall be made by  
15 utilizing the calendar year 1987 to determine the tax amounts  
16 received. For the State Fiscal Year 1990, this calculation  
17 shall be made by utilizing the period from January 1, 1988,  
18 until September 30, 1988, to determine the tax amounts received  
19 from retailers and servicemen, which shall have deducted  
20 therefrom nine-twelfths of the certified Initial Sales Tax  
21 Amounts, Adjusted Initial Sales Tax Amounts or the Revised  
22 Initial Sales Tax Amounts as appropriate. For the State Fiscal  
23 Year 1991, this calculation shall be made by utilizing the  
24 period from October 1, 1988, until June 30, 1989, to determine  
25 the tax amounts received from retailers and servicemen, which  
26 shall have deducted therefrom nine-twelfths of the certified

1 Initial State Sales Tax Amounts, Adjusted Initial Sales Tax  
2 Amounts or the Revised Initial Sales Tax Amounts as  
3 appropriate. For every State Fiscal Year thereafter, the  
4 applicable period shall be the 12 months beginning July 1 and  
5 ending on June 30, to determine the tax amounts received which  
6 shall have deducted therefrom the certified Initial Sales Tax  
7 Amounts, Adjusted Initial Sales Tax Amounts or the Revised  
8 Initial Sales Tax Amounts. Municipalities intending to receive  
9 a distribution of State Sales Tax Increment must report a list  
10 of retailers to the Department of Revenue by October 31, 1988  
11 and by July 31, of each year thereafter.

12 (t) "Taxing districts" means counties, townships, cities  
13 and incorporated towns and villages, school, road, park,  
14 sanitary, mosquito abatement, forest preserve, public health,  
15 fire protection, river conservancy, tuberculosis sanitarium  
16 and any other municipal corporations or districts with the  
17 power to levy taxes.

18 (u) "Taxing districts' capital costs" means those costs of  
19 taxing districts for capital improvements that are found by the  
20 municipal corporate authorities to be necessary and directly  
21 result from the redevelopment project.

22 (v) As used in subsection (a) of Section 11-74.4-3 of this  
23 Act, "vacant land" means any parcel or combination of parcels  
24 of real property without industrial, commercial, and  
25 residential buildings which has not been used for commercial  
26 agricultural purposes within 5 years prior to the designation

1 of the redevelopment project area, unless the parcel is  
2 included in an industrial park conservation area or the parcel  
3 has been subdivided; provided that if the parcel was part of a  
4 larger tract that has been divided into 3 or more smaller  
5 tracts that were accepted for recording during the period from  
6 1950 to 1990, then the parcel shall be deemed to have been  
7 subdivided, and all proceedings and actions of the municipality  
8 taken in that connection with respect to any previously  
9 approved or designated redevelopment project area or amended  
10 redevelopment project area are hereby validated and hereby  
11 declared to be legally sufficient for all purposes of this Act.  
12 For purposes of this Section and only for land subject to the  
13 subdivision requirements of the Plat Act, land is subdivided  
14 when the original plat of the proposed Redevelopment Project  
15 Area or relevant portion thereof has been properly certified,  
16 acknowledged, approved, and recorded or filed in accordance  
17 with the Plat Act and a preliminary plat, if any, for any  
18 subsequent phases of the proposed Redevelopment Project Area or  
19 relevant portion thereof has been properly approved and filed  
20 in accordance with the applicable ordinance of the  
21 municipality.

22 (w) "Annual Total Increment" means the sum of each  
23 municipality's annual Net Sales Tax Increment and each  
24 municipality's annual Net Utility Tax Increment. The ratio of  
25 the Annual Total Increment of each municipality to the Annual  
26 Total Increment for all municipalities, as most recently

1 calculated by the Department, shall determine the proportional  
2 shares of the Illinois Tax Increment Fund to be distributed to  
3 each municipality.

4 (x) "LEED certified" means any certification level of  
5 construction elements by a qualified Leadership in Energy and  
6 Environmental Design Accredited Professional as determined by  
7 the U.S. Green Building Council.

8 (y) "Green Globes certified" means any certification level  
9 of construction elements by a qualified Green Globes  
10 Professional as determined by the Green Building Initiative.

11 (Source: P.A. 95-15, eff. 7-16-07; 95-164, eff. 1-1-08; 95-331,  
12 eff. 8-21-07; 95-346, eff. 8-21-07; 95-459, eff. 8-27-07;  
13 95-653, eff. 1-1-08; 95-662, eff. 10-11-07; 95-683, eff.  
14 10-19-07; 95-709, eff. 1-29-08; 95-876, eff. 8-21-08; 95-932,  
15 eff. 8-26-08; 95-934, eff. 8-26-08; 95-964, eff. 9-23-08;  
16 95-977, eff. 9-22-08; 95-1028, eff. 8-25-09 (see Section 5 of  
17 P.A. 96-717 for the effective date of changes made by P.A.  
18 95-1028); 96-328, eff. 8-11-09; 96-630, eff. 1-1-10; 96-680,  
19 eff. 8-25-09; revised 10-6-09.)

20 (65 ILCS 5/11-74.4-3.5)

21 Sec. 11-74.4-3.5. Completion dates for redevelopment  
22 projects.

23 (a) Unless otherwise stated in this Section, the estimated  
24 dates of completion of the redevelopment project and retirement  
25 of obligations issued to finance redevelopment project costs

1 (including refunding bonds under Section 11-74.4-7) may not be  
2 later than December 31 of the year in which the payment to the  
3 municipal treasurer, as provided in subsection (b) of Section  
4 11-74.4-8 of this Act, is to be made with respect to ad valorem  
5 taxes levied in the 23rd calendar year after the year in which  
6 the ordinance approving the redevelopment project area was  
7 adopted if the ordinance was adopted on or after January 15,  
8 1981.

9 (b) The estimated dates of completion of the redevelopment  
10 project and retirement of obligations issued to finance  
11 redevelopment project costs (including refunding bonds under  
12 Section 11-74.4-7) may not be later than December 31 of the  
13 year in which the payment to the municipal treasurer as  
14 provided in subsection (b) of Section 11-74.4-8 of this Act is  
15 to be made with respect to ad valorem taxes levied in the 32nd  
16 calendar year after the year in which the ordinance approving  
17 the redevelopment project area was adopted, if the ordinance  
18 was adopted on September 9, 1999 by the Village of Downs.

19 The estimated dates of completion of the redevelopment  
20 project and retirement of obligations issued to finance  
21 redevelopment project costs (including refunding bonds under  
22 Section 11-74.4-7) may not be later than December 31 of the  
23 year in which the payment to the municipal treasurer as  
24 provided in subsection (b) of Section 11-74.4-8 of this Act is  
25 to be made with respect to ad valorem taxes levied in the 33rd  
26 calendar year after the year in which the ordinance approving

1 the redevelopment project area was adopted, if the ordinance  
2 was adopted on May 20, 1985 by the Village of Wheeling.

3 (c) The estimated dates of completion of the redevelopment  
4 project and retirement of obligations issued to finance  
5 redevelopment project costs (including refunding bonds under  
6 Section 11-74.4-7) may not be later than December 31 of the  
7 year in which the payment to the municipal treasurer as  
8 provided in subsection (b) of Section 11-74.4-8 of this Act is  
9 to be made with respect to ad valorem taxes levied in the 35th  
10 calendar year after the year in which the ordinance approving  
11 the redevelopment project area was adopted:

12 (1) if the ordinance was adopted before January 15,  
13 1981;

14 (2) if the ordinance was adopted in December 1983,  
15 April 1984, July 1985, or December 1989;

16 (3) if the ordinance was adopted in December 1987 and  
17 the redevelopment project is located within one mile of  
18 Midway Airport;

19 (4) if the ordinance was adopted before January 1, 1987  
20 by a municipality in Mason County;

21 (5) if the municipality is subject to the Local  
22 Government Financial Planning and Supervision Act or the  
23 Financially Distressed City Law;

24 (6) if the ordinance was adopted in December 1984 by  
25 the Village of Rosemont;

26 (7) if the ordinance was adopted on December 31, 1986

1 by a municipality located in Clinton County for which at  
2 least \$250,000 of tax increment bonds were authorized on  
3 June 17, 1997, or if the ordinance was adopted on December  
4 31, 1986 by a municipality with a population in 1990 of  
5 less than 3,600 that is located in a county with a  
6 population in 1990 of less than 34,000 and for which at  
7 least \$250,000 of tax increment bonds were authorized on  
8 June 17, 1997;

9 (8) if the ordinance was adopted on October 5, 1982 by  
10 the City of Kankakee, or if the ordinance was adopted on  
11 December 29, 1986 by East St. Louis;

12 (9) if the ordinance was adopted on November 12, 1991  
13 by the Village of Sauget;

14 (10) if the ordinance was adopted on February 11, 1985  
15 by the City of Rock Island;

16 (11) if the ordinance was adopted before December 18,  
17 1986 by the City of Moline;

18 (12) if the ordinance was adopted in September 1988 by  
19 Sauk Village;

20 (13) if the ordinance was adopted in October 1993 by  
21 Sauk Village;

22 (14) if the ordinance was adopted on December 29, 1986  
23 by the City of Galva;

24 (15) if the ordinance was adopted in March 1991 by the  
25 City of Centreville;

26 (16) if the ordinance was adopted on January 23, 1991

1 by the City of East St. Louis;

2 (17) if the ordinance was adopted on December 22, 1986

3 by the City of Aledo;

4 (18) if the ordinance was adopted on February 5, 1990

5 by the City of Clinton;

6 (19) if the ordinance was adopted on September 6, 1994

7 by the City of Freeport;

8 (20) if the ordinance was adopted on December 22, 1986

9 by the City of Tuscola;

10 (21) if the ordinance was adopted on December 23, 1986

11 by the City of Sparta;

12 (22) if the ordinance was adopted on December 23, 1986

13 by the City of Beardstown;

14 (23) if the ordinance was adopted on April 27, 1981,

15 October 21, 1985, or December 30, 1986 by the City of

16 Belleville;

17 (24) if the ordinance was adopted on December 29, 1986

18 by the City of Collinsville;

19 (25) if the ordinance was adopted on September 14, 1994

20 by the City of Alton;

21 (26) if the ordinance was adopted on November 11, 1996

22 by the City of Lexington;

23 (27) if the ordinance was adopted on November 5, 1984

24 by the City of LeRoy;

25 (28) if the ordinance was adopted on April 3, 1991 or

26 June 3, 1992 by the City of Markham;

1           (29) if the ordinance was adopted on November 11, 1986  
2           by the City of Pekin;

3           (30) if the ordinance was adopted on December 15, 1981  
4           by the City of Champaign;

5           (31) if the ordinance was adopted on December 15, 1986  
6           by the City of Urbana;

7           (32) if the ordinance was adopted on December 15, 1986  
8           by the Village of Heyworth;

9           (33) if the ordinance was adopted on February 24, 1992  
10          by the Village of Heyworth;

11          (34) if the ordinance was adopted on March 16, 1995 by  
12          the Village of Heyworth;

13          (35) if the ordinance was adopted on December 23, 1986  
14          by the Town of Cicero;

15          (36) if the ordinance was adopted on December 30, 1986  
16          by the City of Effingham;

17          (37) if the ordinance was adopted on May 9, 1991 by the  
18          Village of Tilton;

19          (38) if the ordinance was adopted on October 20, 1986  
20          by the City of Elmhurst;

21          (39) if the ordinance was adopted on January 19, 1988  
22          by the City of Waukegan;

23          (40) if the ordinance was adopted on September 21, 1998  
24          by the City of Waukegan;

25          (41) if the ordinance was adopted on December 31, 1986  
26          by the City of Sullivan;

1           (42) if the ordinance was adopted on December 23, 1991  
2           by the City of Sullivan;

3           (43) if the ordinance was adopted on December 31, 1986  
4           by the City of Oglesby;

5           (44) if the ordinance was adopted on July 28, 1987 by  
6           the City of Marion;

7           (45) if the ordinance was adopted on April 23, 1990 by  
8           the City of Marion;

9           (46) if the ordinance was adopted on August 20, 1985 by  
10          the Village of Mount Prospect;

11          (47) if the ordinance was adopted on February 2, 1998  
12          by the Village of Woodhull;

13          (48) if the ordinance was adopted on April 20, 1993 by  
14          the Village of Princeville;

15          (49) if the ordinance was adopted on July 1, 1986 by  
16          the City of Granite City;

17          (50) if the ordinance was adopted on February 2, 1989  
18          by the Village of Lombard;

19          (51) if the ordinance was adopted on December 29, 1986  
20          by the Village of Gardner;

21          (52) if the ordinance was adopted on July 14, 1999 by  
22          the Village of Paw Paw;

23          (53) if the ordinance was adopted on November 17, 1986  
24          by the Village of Franklin Park;

25          (54) if the ordinance was adopted on November 20, 1989  
26          by the Village of South Holland;

1           (55) if the ordinance was adopted on July 14, 1992 by  
2 the Village of Riverdale;

3           (56) if the ordinance was adopted on December 29, 1986  
4 by the City of Galesburg;

5           (57) if the ordinance was adopted on April 1, 1985 by  
6 the City of Galesburg;

7           (58) if the ordinance was adopted on May 21, 1990 by  
8 the City of West Chicago;

9           (59) if the ordinance was adopted on December 16, 1986  
10 by the City of Oak Forest;

11           (60) if the ordinance was adopted in 1999 by the City  
12 of Villa Grove;

13           (61) if the ordinance was adopted on January 13, 1987  
14 by the Village of Mt. Zion;

15           (62) if the ordinance was adopted on December 30, 1986  
16 by the Village of Manteno;

17           (63) if the ordinance was adopted on April 3, 1989 by  
18 the City of Chicago Heights;

19           (64) if the ordinance was adopted on January 6, 1999 by  
20 the Village of Rosemont;

21           (65) if the ordinance was adopted on December 19, 2000  
22 by the Village of Stone Park;

23           (66) if the ordinance was adopted on December 22, 1986  
24 by the City of DeKalb;

25           (67) if the ordinance was adopted on December 2, 1986  
26 by the City of Aurora;

1           (68) if the ordinance was adopted on December 31, 1986  
2           by the Village of Milan;

3           (69) if the ordinance was adopted on September 8, 1994  
4           by the City of West Frankfort;

5           (70) if the ordinance was adopted on December 23, 1986  
6           by the Village of Libertyville;

7           (71) if the ordinance was adopted on December 22, 1986  
8           by the Village of Hoffman Estates;

9           (72) if the ordinance was adopted on September 17, 1986  
10          by the Village of Sherman;

11          (73) if the ordinance was adopted on December 16, 1986  
12          by the City of Macomb;

13          (74) if the ordinance was adopted on June 11, 2002 by  
14          the City of East Peoria to create the West Washington  
15          Street TIF;

16          (75) if the ordinance was adopted on June 11, 2002 by  
17          the City of East Peoria to create the Camp Street TIF;

18          (76) if the ordinance was adopted on August 7, 2000 by  
19          the City of Des Plaines;

20          (77) if the ordinance was adopted on December 22, 1986  
21          by the City of Washington to create the Washington Square  
22          TIF #2;

23          (78) if the ordinance was adopted on December 29, 1986  
24          by the City of Morris;

25          (79) if the ordinance was adopted on July 6, 1998 by  
26          the Village of Steeleville;

1 (80) if the ordinance was adopted on December 29, 1986  
2 by the City of Pontiac to create TIF I (the Main St TIF);

3 (81) if the ordinance was adopted on December 29, 1986  
4 by the City of Pontiac to create TIF II (the Interstate  
5 TIF);

6 (82) if the ordinance was adopted on November 6, 2002  
7 by the City of Chicago to create the Madden/Wells TIF  
8 District;

9 (83) if the ordinance was adopted on November 4, 1998  
10 by the City of Chicago to create the Roosevelt/Racine TIF  
11 District;

12 (84) if the ordinance was adopted on June 10, 1998 by  
13 the City of Chicago to create the Stony Island  
14 Commercial/Burnside Industrial Corridors TIF District;

15 (85) if the ordinance was adopted on November 29, 1989  
16 by the City of Chicago to create the Englewood Mall TIF  
17 District; ~~or~~

18 (86) if the ordinance was adopted on December 27, 1986  
19 by the City of Mendota;

20 (87) if the ordinance was adopted on December 31, 1986  
21 by the Village of Cahokia; ~~or~~

22 (88) if the ordinance was adopted on September 20, 1999  
23 by the City of Belleville; or-

24 (89) ~~(86)~~ if the ordinance was adopted on December 30,  
25 1986 by the Village of Bellevue to create the Bellevue TIF  
26 District 1.

1 (d) For redevelopment project areas for which bonds were  
2 issued before July 29, 1991, or for which contracts were  
3 entered into before June 1, 1988, in connection with a  
4 redevelopment project in the area within the State Sales Tax  
5 Boundary, the estimated dates of completion of the  
6 redevelopment project and retirement of obligations to finance  
7 redevelopment project costs (including refunding bonds under  
8 Section 11-74.4-7) may be extended by municipal ordinance to  
9 December 31, 2013. The termination procedures of subsection (b)  
10 of Section 11-74.4-8 are not required for these redevelopment  
11 project areas in 2009 but are required in 2013. The extension  
12 allowed by Public Act 87-1272 shall not apply to real property  
13 tax increment allocation financing under Section 11-74.4-8.

14 (e) Those dates, for purposes of real property tax  
15 increment allocation financing pursuant to Section 11-74.4-8  
16 only, shall be not more than 35 years for redevelopment project  
17 areas that were adopted on or after December 16, 1986 and for  
18 which at least \$8 million worth of municipal bonds were  
19 authorized on or after December 19, 1989 but before January 1,  
20 1990; provided that the municipality elects to extend the life  
21 of the redevelopment project area to 35 years by the adoption  
22 of an ordinance after at least 14 but not more than 30 days'  
23 written notice to the taxing bodies, that would otherwise  
24 constitute the joint review board for the redevelopment project  
25 area, before the adoption of the ordinance.

26 (f) Those dates, for purposes of real property tax

1 increment allocation financing pursuant to Section 11-74.4-8  
2 only, shall be not more than 35 years for redevelopment project  
3 areas that were established on or after December 1, 1981 but  
4 before January 1, 1982 and for which at least \$1,500,000 worth  
5 of tax increment revenue bonds were authorized on or after  
6 September 30, 1990 but before July 1, 1991; provided that the  
7 municipality elects to extend the life of the redevelopment  
8 project area to 35 years by the adoption of an ordinance after  
9 at least 14 but not more than 30 days' written notice to the  
10 taxing bodies, that would otherwise constitute the joint review  
11 board for the redevelopment project area, before the adoption  
12 of the ordinance.

13 (g) In consolidating the material relating to completion  
14 dates from Sections 11-74.4-3 and 11-74.4-7 into this Section,  
15 it is not the intent of the General Assembly to make any  
16 substantive change in the law, except for the extension of the  
17 completion dates for the City of Aurora, the Village of Milan,  
18 the City of West Frankfort, the Village of Libertyville, and  
19 the Village of Hoffman Estates set forth under items (67),  
20 (68), (69), (70), and (71) of subsection (c) of this Section.

21 (Source: P.A. 95-932, eff. 8-26-08; 95-964, eff. 9-23-08;  
22 incorporates P.A. 95-777, eff. 9-22-08, and 95-1028, eff.  
23 8-25-09 (see Section 5 of P.A. 96-717 for the effective date of  
24 changes made by P.A. 95-1028); 96-127, eff. 8-4-09; 96-182,  
25 eff. 8-10-09; 96-208, eff. 8-10-09; 96-209, eff. 1-1-10;  
26 96-213, eff. 8-10-09; 96-264, eff. 8-11-09; 96-328, eff.

1 8-11-09; 96-439, eff. 8-14-09; 96-454, eff. 8-14-09; 96-722,  
2 eff. 8-25-09; 96-773, eff. 8-28-09; 96-830, eff. 12-4-09;  
3 96-837, eff. 12-16-09; revised 12-21-09.)

4 (65 ILCS 5/11-74.4-7) (from Ch. 24, par. 11-74.4-7)

5 Sec. 11-74.4-7. Obligations secured by the special tax  
6 allocation fund set forth in Section 11-74.4-8 for the  
7 redevelopment project area may be issued to provide for  
8 redevelopment project costs. Such obligations, when so issued,  
9 shall be retired in the manner provided in the ordinance  
10 authorizing the issuance of such obligations by the receipts of  
11 taxes levied as specified in Section 11-74.4-9 against the  
12 taxable property included in the area, by revenues as specified  
13 by Section 11-74.4-8a and other revenue designated by the  
14 municipality. A municipality may in the ordinance pledge all or  
15 any part of the funds in and to be deposited in the special tax  
16 allocation fund created pursuant to Section 11-74.4-8 to the  
17 payment of the redevelopment project costs and obligations. Any  
18 pledge of funds in the special tax allocation fund shall  
19 provide for distribution to the taxing districts and to the  
20 Illinois Department of Revenue of moneys not required, pledged,  
21 earmarked, or otherwise designated for payment and securing of  
22 the obligations and anticipated redevelopment project costs  
23 and such excess funds shall be calculated annually and deemed  
24 to be "surplus" funds. In the event a municipality only applies  
25 or pledges a portion of the funds in the special tax allocation

1 fund for the payment or securing of anticipated redevelopment  
2 project costs or of obligations, any such funds remaining in  
3 the special tax allocation fund after complying with the  
4 requirements of the application or pledge, shall also be  
5 calculated annually and deemed "surplus" funds. All surplus  
6 funds in the special tax allocation fund shall be distributed  
7 annually within 180 days after the close of the municipality's  
8 fiscal year by being paid by the municipal treasurer to the  
9 County Collector, to the Department of Revenue and to the  
10 municipality in direct proportion to the tax incremental  
11 revenue received as a result of an increase in the equalized  
12 assessed value of property in the redevelopment project area,  
13 tax incremental revenue received from the State and tax  
14 incremental revenue received from the municipality, but not to  
15 exceed as to each such source the total incremental revenue  
16 received from that source. The County Collector shall  
17 thereafter make distribution to the respective taxing  
18 districts in the same manner and proportion as the most recent  
19 distribution by the county collector to the affected districts  
20 of real property taxes from real property in the redevelopment  
21 project area.

22 Without limiting the foregoing in this Section, the  
23 municipality may in addition to obligations secured by the  
24 special tax allocation fund pledge for a period not greater  
25 than the term of the obligations towards payment of such  
26 obligations any part or any combination of the following: (a)

1 net revenues of all or part of any redevelopment project; (b)  
2 taxes levied and collected on any or all property in the  
3 municipality; (c) the full faith and credit of the  
4 municipality; (d) a mortgage on part or all of the  
5 redevelopment project; or (e) any other taxes or anticipated  
6 receipts that the municipality may lawfully pledge.

7 Such obligations may be issued in one or more series  
8 bearing interest at such rate or rates as the corporate  
9 authorities of the municipality shall determine by ordinance.  
10 Such obligations shall bear such date or dates, mature at such  
11 time or times not exceeding 20 years from their respective  
12 dates, be in such denomination, carry such registration  
13 privileges, be executed in such manner, be payable in such  
14 medium of payment at such place or places, contain such  
15 covenants, terms and conditions, and be subject to redemption  
16 as such ordinance shall provide. Obligations issued pursuant to  
17 this Act may be sold at public or private sale at such price as  
18 shall be determined by the corporate authorities of the  
19 municipalities. No referendum approval of the electors shall be  
20 required as a condition to the issuance of obligations pursuant  
21 to this Division except as provided in this Section.

22 In the event the municipality authorizes issuance of  
23 obligations pursuant to the authority of this Division secured  
24 by the full faith and credit of the municipality, which  
25 obligations are other than obligations which may be issued  
26 under home rule powers provided by Article VII, Section 6 of

1 the Illinois Constitution, or pledges taxes pursuant to (b) or  
2 (c) of the second paragraph of this section, the ordinance  
3 authorizing the issuance of such obligations or pledging such  
4 taxes shall be published within 10 days after such ordinance  
5 has been passed in one or more newspapers, with general  
6 circulation within such municipality. The publication of the  
7 ordinance shall be accompanied by a notice of (1) the specific  
8 number of voters required to sign a petition requesting the  
9 question of the issuance of such obligations or pledging taxes  
10 to be submitted to the electors; (2) the time in which such  
11 petition must be filed; and (3) the date of the prospective  
12 referendum. The municipal clerk shall provide a petition form  
13 to any individual requesting one.

14 If no petition is filed with the municipal clerk, as  
15 hereinafter provided in this Section, within 30 days after the  
16 publication of the ordinance, the ordinance shall be in effect.  
17 But, if within that 30 day period a petition is filed with the  
18 municipal clerk, signed by electors in the municipality  
19 numbering 10% or more of the number of registered voters in the  
20 municipality, asking that the question of issuing obligations  
21 using full faith and credit of the municipality as security for  
22 the cost of paying for redevelopment project costs, or of  
23 pledging taxes for the payment of such obligations, or both, be  
24 submitted to the electors of the municipality, the corporate  
25 authorities of the municipality shall call a special election  
26 in the manner provided by law to vote upon that question, or,

1 if a general, State or municipal election is to be held within  
2 a period of not less than 30 or more than 90 days from the date  
3 such petition is filed, shall submit the question at the next  
4 general, State or municipal election. If it appears upon the  
5 canvass of the election by the corporate authorities that a  
6 majority of electors voting upon the question voted in favor  
7 thereof, the ordinance shall be in effect, but if a majority of  
8 the electors voting upon the question are not in favor thereof,  
9 the ordinance shall not take effect.

10 The ordinance authorizing the obligations may provide that  
11 the obligations shall contain a recital that they are issued  
12 pursuant to this Division, which recital shall be conclusive  
13 evidence of their validity and of the regularity of their  
14 issuance.

15 In the event the municipality authorizes issuance of  
16 obligations pursuant to this Section secured by the full faith  
17 and credit of the municipality, the ordinance authorizing the  
18 obligations may provide for the levy and collection of a direct  
19 annual tax upon all taxable property within the municipality  
20 sufficient to pay the principal thereof and interest thereon as  
21 it matures, which levy may be in addition to and exclusive of  
22 the maximum of all other taxes authorized to be levied by the  
23 municipality, which levy, however, shall be abated to the  
24 extent that monies from other sources are available for payment  
25 of the obligations and the municipality certifies the amount of  
26 said monies available to the county clerk.

1           A certified copy of such ordinance shall be filed with the  
2 county clerk of each county in which any portion of the  
3 municipality is situated, and shall constitute the authority  
4 for the extension and collection of the taxes to be deposited  
5 in the special tax allocation fund.

6           A municipality may also issue its obligations to refund in  
7 whole or in part, obligations theretofore issued by such  
8 municipality under the authority of this Act, whether at or  
9 prior to maturity, provided however, that the last maturity of  
10 the refunding obligations may not be later than the dates set  
11 forth under Section 11-74.4-3.5. ~~, or (NNN) if the ordinance~~  
12 ~~was adopted on December 22, 1986 by the Village of Hoffman~~  
13 ~~Estates~~

14           In the event a municipality issues obligations under home  
15 rule powers or other legislative authority the proceeds of  
16 which are pledged to pay for redevelopment project costs, the  
17 municipality may, if it has followed the procedures in  
18 conformance with this division, retire said obligations from  
19 funds in the special tax allocation fund in amounts and in such  
20 manner as if such obligations had been issued pursuant to the  
21 provisions of this division.

22           All obligations heretofore or hereafter issued pursuant to  
23 this Act shall not be regarded as indebtedness of the  
24 municipality issuing such obligations or any other taxing  
25 district for the purpose of any limitation imposed by law.

26           (Source: P.A. 95-15, eff. 7-16-07; 95-164, eff. 1-1-08; 95-331,

1 eff. 8-21-07; 95-346, eff. 8-21-07; 95-459, eff. 8-27-07;  
2 95-653, eff. 1-1-08; 95-662, eff. 10-11-07; 95-683, eff.  
3 10-19-07; 95-709, eff. 1-29-08; 95-876, eff. 8-21-08; 95-932,  
4 eff. 8-26-08; 95-964, eff. 9-23-08; 95-977, eff. 9-22-08;  
5 95-1028, eff. 8-25-09 (see Section 5 of P.A. 96-717 for the  
6 effective date of changes made by P.A. 95-1028); 96-328, eff.  
7 8-11-09; revised 9-25-09.)

8 Section 250. The Fire Protection District Act is amended by  
9 changing Section 6 as follows:

10 (70 ILCS 705/6) (from Ch. 127 1/2, par. 26)

11 Sec. 6. Board of trustees; powers.

12 (a) The trustees shall constitute a board of trustees for  
13 the district for which they are appointed, which board of  
14 trustees is declared to be the corporate authority of the fire  
15 protection district, and shall exercise all of the powers and  
16 control all the affairs and property of such district.

17 The board of trustees at their initial meeting and at their  
18 first meeting following the commencement of the term of any  
19 trustee shall elect one of their number as president and one of  
20 their number as secretary and shall elect a treasurer for the  
21 district, who may be one of the trustees or may be any other  
22 citizen of the district and who shall hold office during the  
23 pleasure of the board and who shall give such bond as may be  
24 required by the board.

1           (b) Except as otherwise provided in Sections 16.01 through  
2 16.18, the board may appoint and enter into a multi-year  
3 contract not exceeding 3 years with a fire chief and may  
4 appoint any firemen that may be necessary for the district, who  
5 shall hold office during the pleasure of the board and who  
6 shall give any bond that the board may require. The board may  
7 prescribe the duties and fix the compensation of all the  
8 officers and employees of the fire protection district.

9           (c) A member of the board of trustees of a fire protection  
10 district may be compensated as follows: in a district having  
11 fewer than 4 full time paid firemen, a sum not to exceed \$1,000  
12 per annum; in a district having more than 3 but less than 10  
13 full time paid firemen, a sum not to exceed \$1,500 per annum;  
14 in a district having either 10 or more full time paid firemen,  
15 a sum not to exceed \$2,000 per annum. In addition, fire  
16 districts that operate an ambulance service pursuant to  
17 authorization by referendum, as provided in Section 22, may pay  
18 trustees an additional annual compensation not to exceed 50% of  
19 the amount otherwise authorized herein. The additional  
20 compensation shall be an administrative expense of the  
21 ambulance service and shall be paid from revenues raised by the  
22 ambulance tax levy. In addition, any trustee of a fire  
23 protection district who completes a training program on fire  
24 protection district administration approved by the Office of  
25 the State Fire Marshal may receive additional compensation  
26 above the compensation otherwise provided in this Section. The

1 additional compensation shall be equal to 50% of such other  
2 compensation. In order to continue to receive the additional  
3 compensation, the trustee must attend annual training approved  
4 by the Office of the State Fire Marshal ~~Marshall~~ on a  
5 continuing basis thereafter.

6 (d) The trustees also have the express power to execute a  
7 note or notes and to execute a mortgage or trust deed to secure  
8 the payment of such note or notes; such trust deed or mortgage  
9 shall cover real estate, or some part thereof, or personal  
10 property owned by the district and the lien of the mortgage  
11 shall apply to the real estate or personal property so  
12 mortgaged by the district, and the proceeds of the note or  
13 notes may be used in the acquisition of personal property or of  
14 real estate or in the erection of improvements on such real  
15 estate.

16 The trustees have express power to purchase either real  
17 estate or personal property to be used for the purposes of the  
18 fire protection district through contracts which provide for  
19 the consideration for such purchase to be paid through  
20 installments to be made at stated intervals during a certain  
21 period of time, but, in no case, shall such contracts provide  
22 for the consideration to be paid during a period of time in  
23 excess of 25 years.

24 (e) The trustees have express power to provide for the  
25 benefit of its employees, volunteer firemen and paid firemen,  
26 group life, health, accident, hospital and medical insurance,

1 or any combination thereof; and to pay for all or any portion  
2 of the premiums on such insurance. Such insurance may include  
3 provisions for employees who rely on treatment by spiritual  
4 means alone through prayer for healing in accord with the  
5 tenets and practice of a well recognized religious  
6 denomination.

7 (f) To encourage continued service with the district, the  
8 board of trustees has the express power to award monetary  
9 incentives, not to exceed \$240 per year, to volunteer  
10 firefighters of the district based on the length of service. To  
11 be eligible for the incentives, the volunteer firefighters must  
12 have at least 5 years of service with the district. The amount  
13 of the incentives may not be greater than 2% of the annual levy  
14 amount when all incentive awards are combined.

15 (g) The board of trustees has express power to change the  
16 corporate name of the fire protection district by ordinance,  
17 provided that notification of any change is given to the  
18 circuit clerk and the Office of the State Fire Marshal.

19 (h) The board of trustees may impose reasonable civil  
20 penalties on individuals who repeatedly cause false fire  
21 alarms.

22 (i) The board of trustees has full power to pass all  
23 necessary ordinances, and rules and regulations for the proper  
24 management and conduct of the business of the board of trustees  
25 of the fire protection district for carrying into effect the  
26 objects for which the district was formed.

1 (Source: P.A. 95-331, eff. 8-21-07; 95-799, eff. 1-1-09;  
2 revised 11-3-09.)

3 Section 255. The Chicago Park District Act is amended by  
4 changing Section 26.10-4 as follows:

5 (70 ILCS 1505/26.10-4)

6 Sec. 26.10-4. Definitions. The following terms, whenever  
7 used or referred to in this Act, have the following meaning  
8 unless the context requires a different meaning:

9 "Delivery system" means the design and construction  
10 approach used to develop and construct a project.

11 "Design-bid-build" means the traditional delivery system  
12 used on public projects that incorporates the Local Government  
13 Professional Services Selection Act (50 ILCS 510/) and the  
14 principles of competitive selection.

15 "Design-build" means a delivery system that provides  
16 responsibility within a single contract for the furnishing of  
17 architecture, engineering, land surveying and related services  
18 as required, and the labor, materials, equipment, and other  
19 construction services for the project.

20 "Design-build contract" means a contract for a public  
21 project under this Act between the Chicago Park District and a  
22 design-build entity to furnish architecture, engineering, land  
23 surveying, landscape architecture, and related services as  
24 required, and to furnish the labor, materials, equipment, and

1 other construction services for the project. The design-build  
2 contract may be conditioned upon subsequent refinements in  
3 scope and price and may allow the Chicago Park District to make  
4 modifications in the project scope without invalidating the  
5 design-build contract.

6 "Design-build entity" means any individual, sole  
7 proprietorship, firm, partnership, joint venture, corporation,  
8 professional corporation, or other entity that proposes to  
9 design and construct any public project under this Act. A  
10 design-build entity and associated design-build professionals  
11 shall conduct themselves in accordance with the laws of this  
12 State and the related provisions of the Illinois Administrative  
13 Code, as referenced by the licensed design professionals Acts  
14 of this State.

15 "Design professional" means any individual, sole  
16 proprietorship, firm, partnership, joint venture, corporation,  
17 professional corporation, or other entity that offers services  
18 under the Illinois Architecture Practice Act of 1989 (225 ILCS  
19 305/), the Professional Engineering Practice Act of 1989 (225  
20 ILCS 325/), the Structural Engineering Practice ~~Licensing~~ Act  
21 of 1989 (225 ILCS 340/), or the Illinois Professional Land  
22 Surveyor Act of 1989 (225 ILCS 330/).

23 "Landscape architect design professional" means any  
24 person, sole proprietorship, or entity such as a partnership,  
25 professional service corporation, or corporation that offers  
26 services under the Illinois Landscape Architecture Act of 1989.

1 "Evaluation criteria" means the requirements for the  
2 separate phases of the selection process for design-build  
3 proposals as defined in this Act and may include the  
4 specialized experience, technical qualifications and  
5 competence, capacity to perform, past performance, experience  
6 with similar projects, assignment of personnel to the project,  
7 and other appropriate factors. Price may not be used as a  
8 factor in the evaluation of Phase I proposals.

9 "Proposal" means the offer to enter into a design-build  
10 contract as submitted by a design-build entity in accordance  
11 with this Act.

12 "Request for proposal" means the document used by the  
13 Chicago Park District to solicit proposals for a design-build  
14 contract.

15 "Scope and performance criteria" means the requirements  
16 for the public project, including but not limited to, the  
17 intended usage, capacity, size, scope, quality and performance  
18 standards, life-cycle costs, and other programmatic criteria  
19 that are expressed in performance-oriented and quantifiable  
20 specifications and drawings that can be reasonably inferred and  
21 are suited to allow a design-build entity to develop a  
22 proposal.

23 "Guaranteed maximum price" means a form of contract in  
24 which compensation may vary according to the scope of work  
25 involved but in any case may not exceed an agreed total amount.

26 (Source: P.A. 96-777, eff. 8-28-09; revised 11-3-09.)

1 Section 260. The School Code is amended by changing  
2 Sections 2-3.64, 2-3.117a, 10-20.21, 10-22.3f, 10-22.31,  
3 10-22.39, 18-8.05, 19-1, 24-6, 27A-5, and 27A-8, by setting  
4 forth and renumbering multiple versions of Sections 2-3.148,  
5 22-50, and 34-18.37, and by setting forth, renumbering, and  
6 changing multiple versions of Section 10-20.46 as follows:

7 (105 ILCS 5/2-3.64) (from Ch. 122, par. 2-3.64)

8 Sec. 2-3.64. State goals and assessment.

9 (a) Beginning in the 1998-1999 school year, the State Board  
10 of Education shall establish standards and periodically, in  
11 collaboration with local school districts, conduct studies of  
12 student performance in the learning areas of fine arts and  
13 physical development/health.

14 Beginning with the 1998-1999 school year until the  
15 2004-2005 school year, the State Board of Education shall  
16 annually test: (i) all pupils enrolled in the 3rd, 5th, and 8th  
17 grades in English language arts (reading, writing, and English  
18 grammar) and mathematics; and (ii) all pupils enrolled in the  
19 4th and 7th grades in the biological and physical sciences and  
20 the social sciences (history, geography, civics, economics,  
21 and government). Unless the testing required to be implemented  
22 no later than the 2005-2006 school year under this subsection  
23 (a) is implemented for the 2004-2005 school year, for the  
24 2004-2005 school year, the State Board of Education shall test:

1 (i) all pupils enrolled in the 3rd, 5th, and 8th grades in  
2 English language arts (reading and English grammar) and  
3 mathematics and (ii) all pupils enrolled in the 4th and 7th  
4 grades in the biological and physical sciences. The maximum  
5 time allowed for all actual testing required under this  
6 paragraph shall not exceed 25 hours, as allocated among the  
7 required tests by the State Board of Education, across all  
8 grades tested.

9 Beginning no later than the 2005-2006 school year, the  
10 State Board of Education shall annually test: (i) all pupils  
11 enrolled in the 3rd, 4th, 5th, 6th, 7th, and 8th grades in  
12 reading and mathematics and (ii) all pupils enrolled in the 4th  
13 and 7th grades in the biological and physical sciences. In  
14 addition, the State Board of Education shall test (1) all  
15 pupils enrolled in the 5th and 8th grades in writing during the  
16 2006-2007 school year; (2) all pupils enrolled in the 5th, 6th,  
17 and 8th grades in writing during the 2007-2008 school year; and  
18 (3) all pupils enrolled in the 3rd, 5th, 6th, and 8th grades in  
19 writing during the 2008-2009 school year and each school year  
20 thereafter. After the addition of grades and change in subjects  
21 as delineated in this paragraph and including whatever other  
22 tests that may be approved from time to time no later than the  
23 2005-2006 school year, the maximum time allowed for all State  
24 testing in grades 3 through 8 shall not exceed 38 hours across  
25 those grades.

26 Beginning with the 2004-2005 school year, the State Board

1 of Education shall not test pupils under this subsection (a) in  
2 physical development and health, fine arts, and the social  
3 sciences (history, geography, civics, economics, and  
4 government). The State Board of Education shall not test pupils  
5 under this subsection (a) in writing during the 2005-2006  
6 school year.

7 The State Board of Education shall establish the academic  
8 standards that are to be applicable to pupils who are subject  
9 to State tests under this Section beginning with the 1998-1999  
10 school year. However, the State Board of Education shall not  
11 establish any such standards in final form without first  
12 providing opportunities for public participation and local  
13 input in the development of the final academic standards. Those  
14 opportunities shall include a well-publicized period of public  
15 comment, public hearings throughout the State, and  
16 opportunities to file written comments. Beginning with the  
17 1998-99 school year and thereafter, the State tests will  
18 identify pupils in the 3rd grade or 5th grade who do not meet  
19 the State standards.

20 If, by performance on the State tests or local assessments  
21 or by teacher judgment, a student's performance is determined  
22 to be 2 or more grades below current placement, the student  
23 shall be provided a remediation program developed by the  
24 district in consultation with a parent or guardian. Such  
25 remediation programs may include, but shall not be limited to,  
26 increased or concentrated instructional time, a remedial

1 summer school program of not less than 90 hours, improved  
2 instructional approaches, tutorial sessions, retention in  
3 grade, and modifications to instructional materials. Each  
4 pupil for whom a remediation program is developed under this  
5 subsection shall be required to enroll in and attend whatever  
6 program the district determines is appropriate for the pupil.  
7 Districts may combine students in remediation programs where  
8 appropriate and may cooperate with other districts in the  
9 design and delivery of those programs. The parent or guardian  
10 of a student required to attend a remediation program under  
11 this Section shall be given written notice of that requirement  
12 by the school district a reasonable time prior to commencement  
13 of the remediation program that the student is to attend. The  
14 State shall be responsible for providing school districts with  
15 the new and additional funding, under Section 2-3.51.5 or by  
16 other or additional means, that is required to enable the  
17 districts to operate remediation programs for the pupils who  
18 are required to enroll in and attend those programs under this  
19 Section. Every individualized educational program as described  
20 in Article 14 shall identify if the State test or components  
21 thereof are appropriate for that student. The State Board of  
22 Education shall develop rules and regulations governing the  
23 administration of alternative tests prescribed within each  
24 student's individualized educational program which are  
25 appropriate to the disability of each student.

26 All pupils who are in a State approved transitional

1 bilingual education program or transitional program of  
2 instruction shall participate in the State tests. The time  
3 allotted to take the State tests, however, may be extended as  
4 determined by the State Board of Education by rule. Any student  
5 who has been enrolled in a State approved bilingual education  
6 program less than 3 cumulative academic years may take an  
7 accommodated Limited English Proficient student academic  
8 content assessment, as determined by the State Board of  
9 Education, if the student's lack of English as determined by an  
10 English language proficiency test would keep the student from  
11 understanding the regular State test. If the school district  
12 determines, on a case-by-case individual basis, that a Limited  
13 English Proficient student academic content assessment would  
14 likely yield more accurate and reliable information on what the  
15 student knows and can do, the school district may make a  
16 determination to assess the student using a Limited English  
17 Proficient student academic content assessment for a period  
18 that does not exceed 2 additional consecutive years, provided  
19 that the student has not yet reached a level of English  
20 language proficiency sufficient to yield valid and reliable  
21 information on what the student knows and can do on the regular  
22 State test.

23 Reasonable accommodations as prescribed by the State Board  
24 of Education shall be provided for individual students in the  
25 testing procedure. All test procedures prescribed by the State  
26 Board of Education shall require: (i) that each test used for

1 State and local student testing under this Section identify by  
2 name the pupil taking the test; (ii) that the name of the pupil  
3 taking the test be placed on the test at the time the test is  
4 taken; (iii) that the results or scores of each test taken  
5 under this Section by a pupil of the school district be  
6 reported to that district and identify by name the pupil who  
7 received the reported results or scores; and (iv) that the  
8 results or scores of each test taken under this Section be made  
9 available to the parents of the pupil. In addition, in each  
10 school year the scores attained by a student on the Prairie  
11 State Achievement Examination administered under subsection  
12 (c) of this Section and any Prairie State Achievement Awards  
13 received by the student shall become part of the student's  
14 permanent record and shall be entered on the student's  
15 transcript pursuant to regulations that the State Board of  
16 Education shall promulgate for that purpose in accordance with  
17 Section 3 and subsection (e) of Section 2 of the Illinois  
18 School Student Records Act. Beginning with the 1998-1999 school  
19 year and in every school year thereafter, scores received by  
20 students on the State assessment tests administered in grades 3  
21 through 8 shall be placed into students' temporary records.

22 The State Board of Education shall establish a period of  
23 time, to be referred to as the State test window, in each  
24 school year for which State testing shall occur to meet the  
25 objectives of this Section. However, if the schools of a  
26 district are closed and classes are not scheduled during any

1 week that is established by the State Board of Education as the  
2 State test window, the school district may (at the discretion  
3 of the State Board of Education) move its State test window one  
4 week earlier or one week later than the established State test  
5 window, so long as the school district gives the State Board of  
6 Education written notice of its intention to deviate from the  
7 established schedule by December 1 of the school year in which  
8 falls the State test window established by the State Board of  
9 Education for the testing.

10 (a-5) All tests administered pursuant to this Section shall  
11 be academically based. For the purposes of this Section  
12 "academically based tests" shall mean tests consisting of  
13 questions and answers that are measurable and quantifiable to  
14 measure the knowledge, skill, and ability of students in the  
15 subject matters covered by tests. The scoring of academically  
16 based tests shall be reliable, valid, unbiased and shall meet  
17 the guidelines for test development and use prescribed by the  
18 American Psychological Association, the National Council of  
19 Measurement and Evaluation, and the American Educational  
20 Research Association. Academically based tests shall not  
21 include assessments or evaluations of attitudes, values, or  
22 beliefs, or testing of personality, self-esteem, or  
23 self-concept. Nothing in this amendatory Act is intended, nor  
24 shall it be construed, to nullify, supersede, or contradict the  
25 legislative intent on academic testing expressed during the  
26 passage of HB 1005/P.A. 90-296. Nothing in this Section is

1 intended, nor shall it be construed, to nullify, supersede, or  
2 contradict the legislative intent on academic testing  
3 expressed in the preamble of this amendatory Act of the 93rd  
4 General Assembly.

5 The State Board of Education shall monitor the use of short  
6 answer questions in the math and reading assessments or in  
7 other assessments in order to demonstrate that the use of short  
8 answer questions results in a statistically significant  
9 improvement in student achievement as measured on the State  
10 assessments for math and reading or on other State assessments  
11 and is justifiable in terms of cost and student performance.

12 (b) It shall be the policy of the State to encourage school  
13 districts to continuously test pupil proficiency in the  
14 fundamental learning areas in order to: (i) provide timely  
15 information on individual students' performance relative to  
16 State standards that is adequate to guide instructional  
17 strategies; (ii) improve future instruction; and (iii)  
18 complement the information provided by the State testing system  
19 described in this Section. To assist school districts in  
20 testing pupil proficiency in reading in the primary grades, the  
21 State Board shall make optional reading inventories for  
22 diagnostic purposes available to each school district that  
23 requests such assistance. Districts that administer the  
24 reading inventories may develop remediation programs for  
25 students who perform in the bottom half of the student  
26 population. Those remediation programs may be funded by moneys

1 provided under the School Safety and Educational Improvement  
2 Block Grant Program established under Section 2-3.51.5.

3 (c) Beginning with the 2000-2001 school year, each school  
4 district that operates a high school program for students in  
5 grades 9 through 12 shall annually administer the Prairie State  
6 Achievement Examination established under this subsection to  
7 its students as set forth below. The Prairie State Achievement  
8 Examination shall be developed by the State Board of Education  
9 to measure student performance in the academic areas of  
10 reading, writing, mathematics, science, and social sciences.  
11 Beginning with the 2004-2005 school year, however, the State  
12 Board of Education shall not test a student in the social  
13 sciences (history, geography, civics, economics, and  
14 government) as part of the Prairie State Achievement  
15 Examination unless the student is retaking the Prairie State  
16 Achievement Examination in the fall of 2004. In addition, the  
17 State Board of Education shall not test a student in writing as  
18 part of the Prairie State Achievement Examination during the  
19 2005-2006 school year. The State Board of Education shall  
20 establish the academic standards that are to apply in measuring  
21 student performance on the Prairie State Achievement  
22 Examination including the minimum examination score in each  
23 area that will qualify a student to receive a Prairie State  
24 Achievement Award from the State in recognition of the  
25 student's excellent performance. Each school district that is  
26 subject to the requirements of this subsection (c) shall afford

1 all students one opportunity to take the Prairie State  
2 Achievement Examination beginning as late as practical during  
3 the spring semester of grade 11, but in no event before March  
4 1. The State Board of Education shall annually notify districts  
5 of the weeks during which this test administration shall be  
6 required to occur. Every individualized educational program as  
7 described in Article 14 shall identify if the Prairie State  
8 Achievement Examination or components thereof are appropriate  
9 for that student. Each student, exclusive of a student whose  
10 individualized educational program developed under Article 14  
11 identifies the Prairie State Achievement Examination as  
12 inappropriate for the student, shall be required to take the  
13 examination in grade 11. For each academic area the State Board  
14 of Education shall establish the score that qualifies for the  
15 Prairie State Achievement Award on that portion of the  
16 examination. Districts shall inform their students of the  
17 timelines and procedures applicable to their participation in  
18 every yearly administration of the Prairie State Achievement  
19 Examination. Students receiving special education services  
20 whose individualized educational programs identify the Prairie  
21 State Achievement Examination as inappropriate for them  
22 nevertheless shall have the option of taking the examination,  
23 which shall be administered to those students in accordance  
24 with standards adopted by the State Board of Education to  
25 accommodate the respective disabilities of those students. A  
26 student who successfully completes all other applicable high

1 school graduation requirements but fails to receive a score on  
2 the Prairie State Achievement Examination that qualifies the  
3 student for receipt of a Prairie State Achievement Award shall  
4 nevertheless qualify for the receipt of a regular high school  
5 diploma. In no case, however, shall a student receive a regular  
6 high school diploma without taking the Prairie State  
7 Achievement Examination, unless the student is exempted from  
8 taking the Prairie State Achievement Examination under this  
9 subsection (c) because (i) the student's individualized  
10 educational program developed under Article 14 of this Code  
11 identifies the Prairie State Achievement Examination as  
12 inappropriate for the student, (ii) the student is exempt due  
13 to the student's lack of English language proficiency under  
14 subsection (a) of this Section, (iii) the student is enrolled  
15 in a program of Adult and Continuing Education as defined in  
16 the Adult Education Act, (iv) the school district is not  
17 required to test the individual student for purposes of  
18 accountability under federal No Child Left Behind Act of 2001  
19 requirements, or (v) the student is otherwise identified by the  
20 State Board of Education through rules as being exempt from the  
21 assessment.

22 (d) Beginning with the 2002-2003 school year, all schools  
23 in this State that are part of the sample drawn by the National  
24 Center for Education Statistics, in collaboration with their  
25 school districts and the State Board of Education, shall  
26 administer the biennial State academic assessments of 4th and

1 8th grade reading and mathematics under the National Assessment  
2 of Educational Progress carried out under Section 411(b)(2)  
3 ~~411(b)(2)~~ of the National Education Statistics Act of 1994 (20  
4 U.S.C. 9010) if the Secretary of Education pays the costs of  
5 administering the assessments.

6 (e) Beginning no later than the 2005-2006 school year,  
7 subject to available federal funds to this State for the  
8 purpose of student assessment, the State Board of Education  
9 shall provide additional tests and assessment resources that  
10 may be used by school districts for local diagnostic purposes.  
11 These tests and resources shall include without limitation  
12 additional high school writing, physical development and  
13 health, and fine arts assessments. The State Board of Education  
14 shall annually distribute a listing of these additional tests  
15 and resources, using funds available from appropriations made  
16 for student assessment purposes.

17 (f) For the assessment and accountability purposes of this  
18 Section, "all pupils" includes those pupils enrolled in a  
19 public or State-operated elementary school, secondary school,  
20 or cooperative or joint agreement with a governing body or  
21 board of control, a charter school operating in compliance with  
22 the Charter Schools Law, a school operated by a regional office  
23 of education under Section 13A-3 of this Code, or a public  
24 school administered by a local public agency or the Department  
25 of Human Services.

26 (Source: P.A. 96-430, eff. 8-13-09; revised 11-3-09.)

1 (105 ILCS 5/2-3.117a)

2 Sec. 2-3.117a. School Technology Revolving Loan Program.

3 (a) The State Board of Education is authorized to  
4 administer a School Technology Revolving Loan Program from  
5 funds appropriated from the School Technology Revolving Loan  
6 Fund for the purpose of making the financing of school  
7 technology hardware improvements affordable and making the  
8 integration of technology in the classroom possible. School  
9 technology loans shall be made available to public school  
10 districts, charter schools, area vocational centers,  
11 laboratory schools, and State-recognized, non-public schools  
12 to purchase technology hardware for eligible grade levels on a  
13 2-year rotating basis: grades 9 through 12 in fiscal year 2004  
14 and each second year thereafter and grades K through 8 in  
15 fiscal year 2005 and each second year thereafter. However,  
16 priority shall be given to public school districts, charter  
17 schools, area vocational centers, and laboratory schools that  
18 apply prior to October 1 of each year.

19 The State Board of Education shall determine the interest  
20 rate the loans shall bear which shall not be greater than 50%  
21 of the rate for the most recent date shown in the 20 G.O. Bonds  
22 Index of average municipal bond yields as published in the most  
23 recent edition of The Bond Buyer, published in New York, New  
24 York. The repayment period for School Technology Revolving  
25 Loans shall not exceed 3 years. Participants shall use at least

1 90% of the loan proceeds for technology hardware investments  
2 for students and staff (including computer hardware,  
3 technology networks, related wiring, and other items as defined  
4 in rules adopted by the State Board of Education) and up to 10%  
5 of the loan proceeds for computer furniture. No participant  
6 whose equalized assessed valuation per pupil in average daily  
7 attendance is at the 99th percentile and above for all  
8 districts of the same type shall be eligible to receive a  
9 School Technology Revolving Loan under the provisions of this  
10 Section for that year.

11 The State Board of Education shall have the authority to  
12 adopt all rules necessary for the implementation and  
13 administration of the School Technology Revolving Loan  
14 Program, including, but not limited to, rules defining  
15 application procedures, prescribing a maximum amount per pupil  
16 that may be requested annually, requiring appropriate local  
17 commitments for technology investments, prescribing a  
18 mechanism for disbursing loan funds in the event requests  
19 exceed available funds, specifying collateral, prescribing  
20 actions necessary to protect the State's interest in the event  
21 of default, foreclosure, or noncompliance with the terms and  
22 conditions of the loans, and prescribing a mechanism for  
23 reclaiming any items or equipment purchased with the loan funds  
24 in the case of the closure of a non-public school.

25 (b) There is created in the State treasury the School  
26 Technology Revolving Loan Fund. The State Board shall have the

1 authority to make expenditures from the Fund pursuant to  
2 appropriations made for the purposes of this Section, including  
3 refunds. There shall be deposited into the Fund such amounts,  
4 including but not limited to:

5 (1) Transfers from the School Infrastructure Fund;

6 (2) All receipts, including principal and interest  
7 payments, from any loan made from the Fund;

8 (3) All proceeds of assets of whatever nature received  
9 by the State Board as a result of default or delinquency  
10 with respect to loans made from the Fund;

11 (4) Any appropriations, grants, or gifts made to the  
12 Fund; and

13 (5) Any income received from interest on investments of  
14 money in the Fund.

15 (Source: P.A. 96-734, eff. 8-25-09; 96-783, eff. 8-28-09;  
16 revised 10-6-09.)

17 (105 ILCS 5/2-3.148)

18 Sec. 2-3.148. Disability history and awareness campaign.  
19 The State Board of Education shall promote an annual campaign  
20 about disability history and awareness in this State. The  
21 campaign shall be designed to increase public awareness and  
22 respect for people with disabilities who comprise a substantial  
23 percentage of this State's population, teach future  
24 generations that people with disabilities have a rich history  
25 and have made valuable contributions throughout this State and

1 the United States, and teach future generations that disability  
2 is a natural part of life and that people with disabilities  
3 have a right to be treated with civil, legal, and human rights  
4 and as full human beings above all else.

5 (Source: P.A. 96-191, eff. 1-1-10.)

6 (105 ILCS 5/2-3.149)

7 Sec. 2-3.149 ~~2-3.148~~. Food allergy guidelines.

8 (a) Not later than July 1, 2010, the State Board of  
9 Education, in conjunction with the Department of Public Health,  
10 shall develop and make available to each school board  
11 guidelines for the management of students with  
12 life-threatening food allergies. The State Board of Education  
13 and the Department of Public Health shall establish an ad hoc  
14 committee to develop the guidelines. The committee shall  
15 include experts in the field of food allergens, representatives  
16 on behalf of students with food allergies, representatives from  
17 the several public school management organizations, which  
18 shall include school administrators, principals, and school  
19 board members, and representatives from 2 statewide  
20 professional teachers' organizations. The guidelines shall  
21 include, but need not be limited to, the following:

22 (1) education and training for school personnel who  
23 interact with students with life-threatening food  
24 allergies, such as school and school district  
25 administrators, teachers, school advisors and counselors,

1 school health personnel, and school nurses, on the  
2 management of students with life-threatening food  
3 allergies, including training related to the  
4 administration of medication with an auto-injector;

5 (2) procedures for responding to life-threatening  
6 allergic reactions to food;

7 (3) a process for the implementation of individualized  
8 health care and food allergy action plans for every student  
9 with a life-threatening food allergy; and

10 (4) protocols to prevent exposure to food allergens.

11 (b) Not later than January 1, 2011, each school board shall  
12 implement a policy based on the guidelines developed pursuant  
13 to subsection (a) of this Section for the management of  
14 students with life-threatening food allergies enrolled in the  
15 schools under its jurisdiction. Nothing in this subsection (b)  
16 is intended to invalidate school district policies that were  
17 implemented before the development of guidelines pursuant to  
18 subsection (a) of this Section as long as such policies are  
19 consistent with the guidelines developed pursuant to  
20 subsection (a) of this Section.

21 (Source: P.A. 96-349, eff. 8-13-09; revised 10-22-09.)

22 (105 ILCS 5/2-3.150)

23 (Section scheduled to be repealed on January 16, 2013)

24 Sec. 2-3.150 ~~2-3.148~~. Textbook digital technology; pilot  
25 program.

1 (a) The General Assembly makes the following findings:

2 (1) The use of digital technologies in the kindergarten  
3 through grade 12 school environment is rapidly increasing  
4 in this State.

5 (2) There is a need for the State Board of Education to  
6 explore the expanded use of digital technologies in  
7 classrooms and the impact of technological innovation on  
8 both educational achievement and textbook weight.

9 (b) The State Board of Education shall implement a pilot  
10 program, subject to appropriation, to test digital  
11 technologies in 3 geographically diverse school districts on or  
12 before July 1, 2011. The pilot program shall examine the  
13 following issues:

14 (1) the development of alternative textbook formats,  
15 including various digital formats; and

16 (2) any possible adaptation of existing standard print  
17 textbooks that would be beneficial to the health and  
18 educational achievement of pupils in this State.

19 (c) The State Board of Education shall report the results  
20 of its findings on the pilot program and make recommendations  
21 to the Governor and the General Assembly on or before January  
22 15, 2013 with regard to the success of digital technologies  
23 used in the pilot program. The State Board of Education may  
24 submit other reports as it deems appropriate.

25 (d) The pilot program is abolished on January 16, 2013.  
26 This Section is repealed on January 16, 2013.

1 (Source: P.A. 96-647, eff. 8-24-09; revised 10-22-09.)

2 (105 ILCS 5/2-3.151)

3 Sec. 2-3.151 ~~2-3.148~~. Green career and technical education  
4 programs.

5 (a) As used in this Section, "green industries" means  
6 industries that contribute directly to preserving or enhancing  
7 environmental quality by reducing waste and pollution or  
8 producing sustainable products using sustainable processes and  
9 materials and that provide opportunities for advancement along  
10 a career track of increasing skills and wages. Green industries  
11 include any of the following:

12 (1) Energy system retrofits to increase energy  
13 efficiency and conservation.

14 (2) The production and distribution of biofuels and  
15 vehicle retrofits for biofuels.

16 (3) Building design and construction that meet the  
17 equivalent of the best available technology in energy and  
18 environmental design standards.

19 (4) Organic and community food production.

20 (5) The manufacture of products from non-toxic,  
21 environmentally certified or recycled materials.

22 (6) The manufacture and production of sustainable  
23 technologies, including, but not limited to, solar panels,  
24 wind turbines, and fuel cells.

25 (7) Solar technology installation and maintenance.

1           (8) Recycling, green composting, and large-scale reuse  
2           of construction and demolition materials and debris.

3           (9) Water system retrofits to increase water  
4           efficiency and conservation.

5           (10) Horticulture.

6           (b) It is the purpose and intent of this Section to  
7           establish a State grant program that develops secondary  
8           programs that introduce students to developing green  
9           industries.

10          (c) Subject to appropriation, the State Board of Education  
11          shall establish a State grant program that develops, through a  
12          competitive process, 2-year pilot programs to assist in the  
13          creation and promotion of green career and technical education  
14          programs in public secondary schools in this State. Preference  
15          must be given to proposals that include the integration of  
16          academic and career and technical education content, arranged  
17          in sequences of courses that lead to post-secondary completion.

18          (d) The State Board of Education may adopt any rules  
19          necessary for the implementation of this Section.

20          (e) The State Board of Education may use up to 5% of the  
21          funds appropriated for the purposes of this Section for  
22          administrative costs, including the hiring of positions for the  
23          implementation and administration of the grant program,  
24          provided that if no appropriation is made to the State Board  
25          for a given fiscal year for the purposes of the grant program,  
26          then the State Board is not required to make any expenditures

1 in support of the program during that fiscal year.

2 (Source: P.A. 96-659, eff. 8-25-09; revised 10-22-09.)

3 (105 ILCS 5/2-3.152)

4 Sec. 2-3.152 ~~2-3.148~~. Community schools.

5 (a) This Section applies beginning with the 2009-2010  
6 school year.

7 (b) The General Assembly finds all of the following:

8 (1) All children are capable of success.

9 (2) Schools are the centers of vibrant communities.

10 (3) Strong families build strong educational  
11 communities.

12 (4) Children succeed when adults work together to  
13 foster positive educational outcomes.

14 (5) Schools work best when families take active roles  
15 in the education of children.

16 (6) Schools today are limited in their ability to  
17 dedicate time and resources to provide a wide range of  
18 educational opportunities to students because of the focus  
19 on standardized test outcomes.

20 (7) By providing learning opportunities outside of  
21 normal school hours, including programs on life skills and  
22 health, students are more successful academically, more  
23 engaged in their communities, safer, and better prepared to  
24 make a successful transition from school to adulthood.

25 (8) A community school is a traditional school that

1 actively partners with its community to leverage existing  
2 resources and identify new resources to support the  
3 transformation of the school to provide enrichment and  
4 additional life skill opportunities for students, parents,  
5 and community members at-large. Each community school is  
6 unique because its programming is designed by and for the  
7 school staff, in partnership with parents, community  
8 stakeholders, and students.

9 (9) Community schools currently exist in this State in  
10 urban, rural, and suburban communities.

11 (10) Research shows that community schools have a  
12 powerful positive impact on students, as demonstrated by  
13 increased academic success, a positive change in attitudes  
14 toward school and learning, and decreased behavioral  
15 problems.

16 (11) After-school and evening programs offered by  
17 community schools provide academic enrichment consistent  
18 with the Illinois Learning Standards and general school  
19 curriculum; an opportunity for physical fitness activities  
20 for students, fine arts programs, structured learning  
21 "play" time, and other recreational opportunities; a safe  
22 haven for students; and work supports for working families.

23 (12) Community schools are cost-effective because they  
24 leverage existing resources provided by local, State,  
25 federal, and private sources and bring programs to the  
26 schools, where the students are already congregated.

1 Community schools have been shown to leverage between \$5 to  
2 \$8 in existing programming for every \$1 spent on a  
3 community school.

4 (c) Subject to an appropriation or the availability of  
5 funding for such purposes, the State Board of Education shall  
6 make grants available to fund community schools and to enhance  
7 programs at community schools. A request-for-proposal process  
8 must be used in awarding grants under this subsection (c).  
9 Proposals may be submitted on behalf of a school, a school  
10 district, or a consortium of 2 or more schools or school  
11 districts. Proposals must be evaluated and scored on the basis  
12 of criteria consistent with this Section and other factors  
13 developed and adopted by the State Board of Education.  
14 Technical assistance in grant writing must be made available to  
15 schools, school districts, or consortia of school districts  
16 through the State Board of Education directly or through a  
17 resource and referral directory established and maintained by  
18 the State Board of Education.

19 (d) In order to qualify for a community school grant under  
20 this Section, a school must, at a minimum, have the following  
21 components:

22 (1) Before and after-school programming each school  
23 day to meet the identified needs of students.

24 (2) Weekend programming.

25 (3) At least 4 weeks of summer programming.

26 (4) A local advisory group comprised of school

1 leadership, parents, and community stakeholders that  
2 establishes school-specific programming goals, assesses  
3 program needs, and oversees the process of implementing  
4 expanded programming.

5 (5) A program director or resource coordinator who is  
6 responsible for establishing a local advisory group,  
7 assessing the needs of students and community members,  
8 identifying programs to meet those needs, developing the  
9 before and after-school, weekend, and summer programming  
10 and overseeing the implementation of programming to ensure  
11 high quality, efficiency, and robust participation.

12 (6) Programming that includes academic excellence  
13 aligned with the Illinois Learning Standards, life skills,  
14 healthy minds and bodies, parental support, and community  
15 engagement and that promotes staying in school and  
16 non-violent behavior and non-violent conflict resolution.

17 (7) Maintenance of attendance records in all  
18 programming components.

19 (8) Maintenance of measurable data showing annual  
20 participation and the impact of programming on the  
21 participating children and adults.

22 (9) Documentation of true collaboration between the  
23 school and community stakeholders, including local  
24 governmental units, civic organizations, families,  
25 businesses, and social service providers.

26 (10) A non-discrimination policy ensuring that the

1 community school does not condition participation upon  
2 race, ethnic origin, religion, sex, or disability.

3 (Source: P.A. 96-746, eff. 8-25-09; revised 10-22-09.)

4 (105 ILCS 5/10-20.21)

5 Sec. 10-20.21. Contracts.

6 (a) To award all contracts for purchase of supplies,  
7 materials or work or contracts with private carriers for  
8 transportation of pupils involving an expenditure in excess of  
9 \$25,000 or a lower amount as required by board policy to the  
10 lowest responsible bidder, considering conformity with  
11 specifications, terms of delivery, quality and serviceability,  
12 after due advertisement, except the following: (i) contracts  
13 for the services of individuals possessing a high degree of  
14 professional skill where the ability or fitness of the  
15 individual plays an important part; (ii) contracts for the  
16 printing of finance committee reports and departmental  
17 reports; (iii) contracts for the printing or engraving of  
18 bonds, tax warrants and other evidences of indebtedness; (iv)  
19 contracts for the purchase of perishable foods and perishable  
20 beverages; (v) contracts for materials and work which have been  
21 awarded to the lowest responsible bidder after due  
22 advertisement, but due to unforeseen revisions, not the fault  
23 of the contractor for materials and work, must be revised  
24 causing expenditures not in excess of 10% of the contract  
25 price; (vi) contracts for the maintenance or servicing of, or

1 provision of repair parts for, equipment which are made with  
2 the manufacturer or authorized service agent of that equipment  
3 where the provision of parts, maintenance, or servicing can  
4 best be performed by the manufacturer or authorized service  
5 agent; (vii) purchases and contracts for the use, purchase,  
6 delivery, movement, or installation of data processing  
7 equipment, software, or services and telecommunications and  
8 interconnect equipment, software, and services; (viii)  
9 contracts for duplicating machines and supplies; (ix)  
10 contracts for the purchase of natural gas when the cost is less  
11 than that offered by a public utility; (x) purchases of  
12 equipment previously owned by some entity other than the  
13 district itself; (xi) contracts for repair, maintenance,  
14 remodeling, renovation, or construction, or a single project  
15 involving an expenditure not to exceed \$50,000 and not  
16 involving a change or increase in the size, type, or extent of  
17 an existing facility; (xii) contracts for goods or services  
18 procured from another governmental agency; (xiii) contracts  
19 for goods or services which are economically procurable from  
20 only one source, such as for the purchase of magazines, books,  
21 periodicals, pamphlets and reports, and for utility services  
22 such as water, light, heat, telephone or telegraph; (xiv) where  
23 funds are expended in an emergency and such emergency  
24 expenditure is approved by 3/4 of the members of the board;  
25 (xv) State master contracts authorized under Article 28A of  
26 this Code; and (xvi) contracts providing for the transportation

1 of pupils with special needs or disabilities, which contracts  
2 must be advertised in the same manner as competitive bids and  
3 awarded by first considering the bidder or bidders most able to  
4 provide safety and comfort for the pupils with special needs or  
5 disabilities, stability of service, and any other factors set  
6 forth in the request for proposal regarding quality of service,  
7 and then price.

8 All competitive bids for contracts involving an  
9 expenditure in excess of \$25,000 or a lower amount as required  
10 by board policy must be sealed by the bidder and must be opened  
11 by a member or employee of the school board at a public bid  
12 opening at which the contents of the bids must be announced.  
13 Each bidder must receive at least 3 days' notice of the time  
14 and place of the bid opening. For purposes of this Section due  
15 advertisement includes, but is not limited to, at least one  
16 public notice at least 10 days before the bid date in a  
17 newspaper published in the district, or if no newspaper is  
18 published in the district, in a newspaper of general  
19 circulation in the area of the district. State master contracts  
20 and certified education purchasing contracts, as defined in  
21 Article 28A of this Code, are not subject to the requirements  
22 of this paragraph.

23 Under this Section, the acceptance of bids sealed by a  
24 bidder and the opening of these bids at a public bid opening  
25 may be permitted by an electronic process for communicating,  
26 accepting, and opening competitive bids. However, bids for

1 construction purposes are prohibited from being communicated,  
2 accepted, or opened electronically. An electronic bidding  
3 process must provide for, but is not limited to, the following  
4 safeguards:

5 (1) On the date and time certain of a bid opening, the  
6 primary person conducting the competitive, sealed,  
7 electronic bid process shall log onto a specified database  
8 using a unique username and password previously assigned to  
9 the bidder to allow access to the bidder's specific bid  
10 project number.

11 (2) The specified electronic database must be on a  
12 network that (i) is in a secure environment behind a  
13 firewall; (ii) has specific encryption tools; (iii)  
14 maintains specific intrusion detection systems; (iv) has  
15 redundant systems architecture with data storage back-up,  
16 whether by compact disc or tape; and (v) maintains a  
17 disaster recovery plan.

18 It is the legislative intent of Public Act 96-841 ~~this~~  
19 ~~amendatory Act of the 96th General Assembly~~ to maintain the  
20 integrity of the sealed bidding process provided for in this  
21 Section, to further limit any possibility of bid-rigging, to  
22 reduce administrative costs to school districts, and to effect  
23 efficiencies in communications with bidders.

24 (b) To require, as a condition of any contract for goods  
25 and services, that persons bidding for and awarded a contract  
26 and all affiliates of the person collect and remit Illinois Use

1 Tax on all sales of tangible personal property into the State  
2 of Illinois in accordance with the provisions of the Illinois  
3 Use Tax Act regardless of whether the person or affiliate is a  
4 "retailer maintaining a place of business within this State" as  
5 defined in Section 2 of the Use Tax Act. For purposes of this  
6 Section, the term "affiliate" means any entity that (1)  
7 directly, indirectly, or constructively controls another  
8 entity, (2) is directly, indirectly, or constructively  
9 controlled by another entity, or (3) is subject to the control  
10 of a common entity. For purposes of this subsection (b), an  
11 entity controls another entity if it owns, directly or  
12 individually, more than 10% of the voting securities of that  
13 entity. As used in this subsection (b), the term "voting  
14 security" means a security that (1) confers upon the holder the  
15 right to vote for the election of members of the board of  
16 directors or similar governing body of the business or (2) is  
17 convertible into, or entitles the holder to receive upon its  
18 exercise, a security that confers such a right to vote. A  
19 general partnership interest is a voting security.

20 To require that bids and contracts include a certification  
21 by the bidder or contractor that the bidder or contractor is  
22 not barred from bidding for or entering into a contract under  
23 this Section and that the bidder or contractor acknowledges  
24 that the school board may declare the contract void if the  
25 certification completed pursuant to this subsection (b) is  
26 false.

1 (b-5) To require all contracts and agreements that pertain  
2 to goods and services and that are intended to generate  
3 additional revenue and other remunerations for the school  
4 district in excess of \$1,000, including without limitation  
5 vending machine contracts, sports and other attire, class  
6 rings, and photographic services, to be approved by the school  
7 board. The school board shall file as an attachment to its  
8 annual budget a report, in a form as determined by the State  
9 Board of Education, indicating for the prior year the name of  
10 the vendor, the product or service provided, and the actual net  
11 revenue and non-monetary remuneration from each of the  
12 contracts or agreements. In addition, the report shall indicate  
13 for what purpose the revenue was used and how and to whom the  
14 non-monetary remuneration was distributed.

15 (c) If the State education purchasing entity creates a  
16 master contract as defined in Article 28A of this Code, then  
17 the State education purchasing entity shall notify school  
18 districts of the existence of the master contract.

19 (d) In purchasing supplies, materials, equipment, or  
20 services that are not subject to subsection (c) of this  
21 Section, before a school district solicits bids or awards a  
22 contract, the district may review and consider as a bid under  
23 subsection (a) of this Section certified education purchasing  
24 contracts that are already available through the State  
25 education purchasing entity.

26 (Source: P.A. 95-990, eff. 10-3-08; 96-392, eff. 1-1-10;

1 96-841, eff. 12-23-09; revised 12-29-09.)

2 (105 ILCS 5/10-20.46)

3 Sec. 10-20.46. Veterans' Day; moment of silence. If a  
4 school holds any type of event at the school on November 11,  
5 Veterans' Day, the school board shall require a moment of  
6 silence at that event to recognize Veterans' Day.

7 (Source: P.A. 96-84, eff. 7-27-09.)

8 (105 ILCS 5/10-20.47)

9 Sec. 10-20.47 ~~10-20.46~~. Administrator and teacher salary  
10 and benefits; report. Each school board shall report to the  
11 State Board of Education, on or before July 1 of each year, the  
12 base salary and benefits of the district superintendent and all  
13 administrators and teachers employed by the school district.  
14 For the purposes of this Section, "benefits" includes without  
15 limitation vacation days, sick days, bonuses, annuities, and  
16 retirement enhancements.

17 (Source: P.A. 96-266, eff. 1-1-10; revised 10-21-09.)

18 (105 ILCS 5/10-20.48)

19 Sec. 10-20.48 ~~10-20.46~~. Radon testing.

20 (a) It is recommended that every occupied school building  
21 of a school district be tested every 5 years for radon pursuant  
22 to rules established by the Illinois Emergency Management  
23 Agency (IEMA).

1           (b) It is recommended that new schools of a school district  
2 be built using radon resistant new construction techniques, as  
3 shown in the United States Environmental Protection Agency  
4 document, Radon Prevention in the Design and Construction of  
5 Schools and Other Large Buildings.

6           (c) Each school district may maintain, make available for  
7 review, and notify parents and faculty of test results under  
8 this Section. The district shall report radon test results to  
9 the State Board of Education, which shall prepare a report  
10 every 2 years of the results from all schools that have  
11 performed tests, to be submitted to the General Assembly and  
12 the Governor.

13           (d) If IEMA exempts an individual from being required to be  
14 a licensed radon professional, the individual does not need to  
15 be a licensed radon professional in order to perform screening  
16 tests under this Section. A school district may elect to have  
17 one or more employees from the district attend an  
18 IEMA-approved, Internet-based training course on school  
19 testing in order to receive an exemption to conduct testing in  
20 that school district. These school district employees must  
21 perform the measurements in accordance with procedures  
22 approved by IEMA. If an exemption from IEMA is not received,  
23 the school district must use a licensed radon professional to  
24 conduct measurements.

25           (e) If the results of a radon screening test under this  
26 Section are found to be 4.0 pCi/L or above, the school district

1 may hire a licensed radon professional to perform measurements  
2 before any mitigation decisions are made. If radon levels of  
3 4.0 pCi/L or above are found, it is recommended that affected  
4 areas be mitigated by a licensed radon mitigation professional  
5 with respect to both design and installation. IEMA may provide  
6 the school district with a list of licensed radon mitigation  
7 professionals.

8 (f) A screening test under this Section may be done with a  
9 test kit found in a hardware store, department store, or home  
10 improvement store or with a kit ordered through the mail or  
11 over the Internet. However, the kit must be provided by a  
12 laboratory licensed in accordance with the Radon Industry  
13 Licensing Act.

14 (Source: P.A. 96-417, eff. 1-1-10; revised 10-21-09.)

15 (105 ILCS 5/10-20.49)

16 Sec. 10-20.49 ~~10-20.46~~. Compliance with Chemical Safety  
17 Acts. Each school district must adopt a procedure to comply  
18 with the requirements of the Lawn Care Products Application and  
19 Notice Act and the Structural Pest Control Act. The school  
20 district must designate a staff person who is responsible for  
21 compliance with the requirements of these Acts.

22 (Source: P.A. 96-424, eff. 8-13-09; revised 10-21-09.)

23 (105 ILCS 5/10-20.50)

24 Sec. 10-20.50 ~~10-20.46~~. Salary compensation report. On or

1 before October 1 of each year, each school district in this  
2 State, including special charter districts, shall post on its  
3 Internet website, if any, an itemized salary compensation  
4 report for every employee in the district holding an  
5 administrative certificate and working in that capacity,  
6 including the district superintendent. The salary compensation  
7 report shall include without limitation base salary, bonuses,  
8 pension contributions, retirement increases, the cost of  
9 health insurance, the cost of life insurance, paid sick and  
10 vacation day payouts, annuities, and any other form of  
11 compensation or income paid on behalf of the employee.

12 This report shall be presented at a regular school board  
13 meeting, subject to applicable notice requirements. In  
14 addition, each school district shall submit the completed  
15 report to the office of the district's regional superintendent  
16 of schools, which shall make copies available to any individual  
17 requesting them.

18 Per Section 10-20.40 of this Code, as added by Public Act  
19 95-707, a school district must post the contract that a school  
20 board enters into with an exclusive bargaining representative.  
21 The school board must provide the terms of that contract  
22 online.

23 (105 ILCS 5/10-20.51)

24 Sec. 10-20.51 ~~10-20.46~~. Press boxes; accessibility. A  
25 school board does not have to comply with the Illinois

1 Accessibility Code (71 Ill. Adm. Code 400) with respect to  
2 accessibility to press boxes that are on school property if the  
3 press boxes were constructed before August 25, 2009 (the  
4 effective date of Public Act 96-674) ~~this amendatory Act of the~~  
5 ~~96th General Assembly.~~

6 (Source: P.A. 96-674, eff. 8-25-09; revised 10-21-09.)

7 (105 ILCS 5/10-22.3f)

8 Sec. 10-22.3f. Required health benefits. Insurance  
9 protection and benefits for employees shall provide the  
10 post-mastectomy care benefits required to be covered by a  
11 policy of accident and health insurance under Section 356t and  
12 the coverage required under Sections 356g, 356g.5, 356g.5-1,  
13 356u, 356w, 356x, 356z.6, 356z.8, 356z.9, 356z.11, 356z.12,  
14 356z.13, ~~and~~ 356z.14, and 356z.15 ~~356z.14~~ of the Illinois  
15 Insurance Code.

16 Rulemaking authority to implement Public Act 95-1045 ~~this~~  
17 ~~amendatory Act of the 95th General Assembly~~, if any, is  
18 conditioned on the rules being adopted in accordance with all  
19 provisions of the Illinois Administrative Procedure Act and all  
20 rules and procedures of the Joint Committee on Administrative  
21 Rules; any purported rule not so adopted, for whatever reason,  
22 is unauthorized.

23 (Source: P.A. 95-189, eff. 8-16-07; 95-422, eff. 8-24-07;  
24 95-876, eff. 8-21-08; 95-958, eff. 6-1-09; 95-978, eff. 1-1-09;  
25 95-1005, 12-12-08; 95-1045, eff. 3-27-09; 95-1049, eff.

1 1-1-10; 96-139, eff. 1-1-10; 96-328, eff. 8-11-09; revised  
2 10-23-09.)

3 (105 ILCS 5/10-22.31) (from Ch. 122, par. 10-22.31)

4 Sec. 10-22.31. Special education.

5 (a) To enter into joint agreements with other school boards  
6 to provide the needed special educational facilities and to  
7 employ a director and other professional workers as defined in  
8 Section 14-1.10 and to establish facilities as defined in  
9 Section 14-1.08 for the types of children described in Sections  
10 14-1.02 and 14-1.03a. The director (who may be employed under a  
11 contract as provided in subsection (c) of this Section) and  
12 other professional workers may be employed by one district,  
13 which shall be reimbursed on a mutually agreed basis by other  
14 districts that are parties to the joint agreement. Such  
15 agreements may provide that one district may supply  
16 professional workers for a joint program conducted in another  
17 district. Such agreement shall provide that any full-time  
18 professional worker who is employed by a joint agreement  
19 program and spends over 50% of his or her time in one school  
20 district shall not be required to work a different teaching  
21 schedule than the other professional worker in that district.  
22 Such agreement shall include, but not be limited to, provisions  
23 for administration, staff, programs, financing, housing,  
24 transportation, an advisory body, and the method or methods to  
25 be employed for disposing of property upon the withdrawal of a

1 school district or dissolution of the joint agreement and shall  
2 specify procedures for the withdrawal of districts from the  
3 joint agreement as long as these procedures are consistent with  
4 subsection (g) of this Section. ~~this Section and~~ Such agreement  
5 may be amended at any time as provided in the joint agreement  
6 or, if the joint agreement does not so provide, then such  
7 agreement may be amended at any time upon the adoption of  
8 concurring resolutions by the school boards of all member  
9 districts, provided that no later than 6 months after August  
10 28, 2009 (the effective date of Public Act 96-783) ~~this~~  
11 ~~amendatory Act of the 96th General Assembly,~~ all existing  
12 agreements shall be amended to be consistent with Public Act  
13 96-783 ~~this amendatory Act of the 96th General Assembly.~~ Such  
14 an amendment may include the removal of a school district from  
15 or the addition of a school district to the joint agreement  
16 without a petition as otherwise required in this Section if all  
17 member districts adopt concurring resolutions to that effect. A  
18 fully executed copy of any such agreement or amendment entered  
19 into on or after January 1, 1989 shall be filed with the State  
20 Board of Education. Petitions for withdrawal shall be made to  
21 the regional board or boards of school trustees exercising  
22 oversight or governance over any of the districts in the joint  
23 agreement. Upon receipt of a petition for withdrawal, the  
24 regional board of school trustees shall publish notice of and  
25 conduct a hearing or, in instances in which more than one  
26 regional board of school trustees exercises oversight or

1 governance over any of the districts in the joint agreement, a  
2 joint hearing, in accordance with rules adopted by the State  
3 Board of Education. In instances in which a single regional  
4 board of school trustees holds the hearing, approval of the  
5 petition must be by a two-thirds majority vote of the school  
6 trustees. In instances in which a joint hearing of 2 or more  
7 regional boards of school trustees is required, approval of the  
8 petition must be by a two-thirds majority of all those school  
9 trustees present and voting. Notwithstanding the provisions of  
10 Article 6 of this Code, in instances in which the competent  
11 regional board or boards of school trustees has been abolished,  
12 petitions for withdrawal shall be made to the school boards of  
13 those districts that fall under the oversight or governance of  
14 the abolished regional board of school trustees in accordance  
15 with rules adopted by the State Board of Education. If any  
16 petition is approved pursuant to this subsection (a), the  
17 withdrawal takes effect as provided in Section 7-9 of this Act.  
18 The changes to this Section made by Public Act 96-769 ~~this~~  
19 ~~amendatory Act of the 96th General Assembly~~ apply to all  
20 changes to special education joint agreement membership  
21 initiated after July 1, 2009.

22 (b) To either (1) designate an administrative district to  
23 act as fiscal and legal agent for the districts that are  
24 parties to the joint agreement, or (2) designate a governing  
25 board composed of one member of the school board of each  
26 cooperating district and designated by such boards to act in

1 accordance with the joint agreement. No such governing board  
2 may levy taxes and no such governing board may incur any  
3 indebtedness except within an annual budget for the joint  
4 agreement approved by the governing board and by the boards of  
5 at least a majority of the cooperating school districts or a  
6 number of districts greater than a majority if required by the  
7 joint agreement. The governing board may appoint an executive  
8 board of at least 7 members to administer the joint agreement  
9 in accordance with its terms. However, if 7 or more school  
10 districts are parties to a joint agreement that does not have  
11 an administrative district: (i) at least a majority of the  
12 members appointed by the governing board to the executive board  
13 shall be members of the school boards of the cooperating  
14 districts; or (ii) if the governing board wishes to appoint  
15 members who are not school board members, they shall be  
16 superintendents from the cooperating districts.

17 (c) To employ a full-time director of special education of  
18 the joint agreement program under a one-year or multi-year  
19 contract. No such contract can be offered or accepted for less  
20 than one year. Such contract may be discontinued at any time by  
21 mutual agreement of the contracting parties, or may be extended  
22 for an additional one-year or multi-year period at the end of  
23 any year.

24 The contract year is July 1 through the following June  
25 30th, unless the contract specifically provides otherwise.  
26 Notice of intent not to renew a contract when given by a

1 controlling board or administrative district must be in writing  
2 stating the specific reason therefor. Notice of intent not to  
3 renew the contract must be given by the controlling board or  
4 the administrative district at least 90 days before the  
5 contract expires. Failure to do so will automatically extend  
6 the contract for one additional year.

7 By accepting the terms of the contract, the director of a  
8 special education joint agreement waives all rights granted  
9 under Sections 24-11 through 24-16 for the duration of his or  
10 her employment as a director of a special education joint  
11 agreement.

12 (d) To designate a district that is a party to the joint  
13 agreement as the issuer of bonds or notes for the purposes and  
14 in the manner provided in this Section. It is not necessary for  
15 such district to also be the administrative district for the  
16 joint agreement, nor is it necessary for the same district to  
17 be designated as the issuer of all series of bonds or notes  
18 issued hereunder. Any district so designated may, from time to  
19 time, borrow money and, in evidence of its obligation to repay  
20 the borrowing, issue its negotiable bonds or notes for the  
21 purpose of acquiring, constructing, altering, repairing,  
22 enlarging and equipping any building or portion thereof,  
23 together with any land or interest therein, necessary to  
24 provide special educational facilities and services as defined  
25 in Section 14-1.08. Title in and to any such facilities shall  
26 be held in accordance with the joint agreement.

1 Any such bonds or notes shall be authorized by a resolution  
2 of the board of education of the issuing district. The  
3 resolution may contain such covenants as may be deemed  
4 necessary or advisable by the district to assure the payment of  
5 the bonds or notes. The resolution shall be effective  
6 immediately upon its adoption.

7 Prior to the issuance of such bonds or notes, each school  
8 district that is a party to the joint agreement shall agree,  
9 whether by amendment to the joint agreement or by resolution of  
10 the board of education, to be jointly and severally liable for  
11 the payment of the bonds and notes. The bonds or notes shall be  
12 payable solely and only from the payments made pursuant to such  
13 agreement.

14 Neither the bonds or notes nor the obligation to pay the  
15 bonds or notes under any joint agreement shall constitute an  
16 indebtedness of any district, including the issuing district,  
17 within the meaning of any constitutional or statutory  
18 limitation.

19 As long as any bonds or notes are outstanding and unpaid,  
20 the agreement by a district to pay the bonds and notes shall be  
21 irrevocable notwithstanding the district's withdrawal from  
22 membership in the joint special education program.

23 (e) If a district whose employees are on strike was, prior  
24 to the strike, sending students with disabilities to special  
25 educational facilities and services in another district or  
26 cooperative, the district affected by the strike shall continue

1 to send such students during the strike and shall be eligible  
2 to receive appropriate State reimbursement.

3 (f) With respect to those joint agreements that have a  
4 governing board composed of one member of the school board of  
5 each cooperating district and designated by those boards to act  
6 in accordance with the joint agreement, the governing board  
7 shall have, in addition to its other powers under this Section,  
8 the authority to issue bonds or notes for the purposes and in  
9 the manner provided in this subsection. The governing board of  
10 the joint agreement may from time to time borrow money and, in  
11 evidence of its obligation to repay the borrowing, issue its  
12 negotiable bonds or notes for the purpose of acquiring,  
13 constructing, altering, repairing, enlarging and equipping any  
14 building or portion thereof, together with any land or interest  
15 therein, necessary to provide special educational facilities  
16 and services as defined in Section 14-1.08 and including also  
17 facilities for activities of administration and educational  
18 support personnel employees. Title in and to any such  
19 facilities shall be held in accordance with the joint  
20 agreement.

21 Any such bonds or notes shall be authorized by a resolution  
22 of the governing board. The resolution may contain such  
23 covenants as may be deemed necessary or advisable by the  
24 governing board to assure the payment of the bonds or notes and  
25 interest accruing thereon. The resolution shall be effective  
26 immediately upon its adoption.

1           Each school district that is a party to the joint agreement  
2 shall be automatically liable, by virtue of its membership in  
3 the joint agreement, for its proportionate share of the  
4 principal amount of the bonds and notes plus interest accruing  
5 thereon, as provided in the resolution. Subject to the joint  
6 and several liability hereinafter provided for, the resolution  
7 may provide for different payment schedules for different  
8 districts except that the aggregate amount of scheduled  
9 payments for each district shall be equal to its proportionate  
10 share of the debt service in the bonds or notes based upon the  
11 fraction that its equalized assessed valuation bears to the  
12 total equalized assessed valuation of all the district members  
13 of the joint agreement as adjusted in the manner hereinafter  
14 provided. In computing that fraction the most recent available  
15 equalized assessed valuation at the time of the issuance of the  
16 bonds and notes shall be used, and the equalized assessed  
17 valuation of any district maintaining grades K to 12 shall be  
18 doubled in both the numerator and denominator of the fraction  
19 used for all of the districts that are members of the joint  
20 agreement. In case of default in payment by any member, each  
21 school district that is a party to the joint agreement shall  
22 automatically be jointly and severally liable for the amount of  
23 any deficiency. The bonds or notes and interest thereon shall  
24 be payable solely and only from the funds made available  
25 pursuant to the procedures set forth in this subsection. No  
26 project authorized under this subsection may require an annual

1 contribution for bond payments from any member district in  
2 excess of 0.15% of the value of taxable property as equalized  
3 or assessed by the Department of Revenue in the case of  
4 districts maintaining grades K-8 or 9-12 and 0.30% of the value  
5 of taxable property as equalized or assessed by the Department  
6 of Revenue in the case of districts maintaining grades K-12.  
7 This limitation on taxing authority is expressly applicable to  
8 taxing authority provided under Section 17-9 and other  
9 applicable Sections of this Act. Nothing contained in this  
10 subsection shall be construed as an exception to the property  
11 tax limitations contained in Section 17-2, 17-2.2a, 17-5, or  
12 any other applicable Section of this Act.

13 Neither the bonds or notes nor the obligation to pay the  
14 bonds or notes under any joint agreement shall constitute an  
15 indebtedness of any district within the meaning of any  
16 constitutional or statutory limitation.

17 As long as any bonds or notes are outstanding and unpaid,  
18 the obligation of a district to pay its proportionate share of  
19 the principal of and interest on the bonds and notes as  
20 required in this Section shall be a general obligation of the  
21 district payable from any and all sources of revenue designated  
22 for that purpose by the board of education of the district and  
23 shall be irrevocable notwithstanding the district's withdrawal  
24 from membership in the joint special education program.

25 (g) A member district wishing to withdraw from a joint  
26 agreement may obtain from its school board a written resolution

1 approving the withdrawal. The withdrawing district must then  
2 present a written petition for withdrawal from the joint  
3 agreement to the other member districts within such timelines  
4 designated by the joint agreement. Upon approval by school  
5 board written resolution of all of the remaining member  
6 districts, the petitioning member district shall be withdrawn  
7 from the joint agreement effective the following July 1 and  
8 shall notify the State Board of Education of the approved  
9 withdrawal in writing.

10 (h) The changes to this Section made by Public Act 96-783  
11 ~~this amendatory Act of the 96th General Assembly~~ apply to  
12 withdrawals from or dissolutions of special education joint  
13 agreements initiated after August 28, 2009 (the effective date  
14 of Public Act 96-783) ~~this amendatory Act of the 96th General~~  
15 ~~Assembly.~~

16 (Source: P.A. 96-769, eff. 8-28-09; 96-783, eff. 8-28-09;  
17 revised 9-25-09.)

18 (105 ILCS 5/10-22.39)

19 Sec. 10-22.39. In-service training programs.

20 (a) To conduct in-service training programs for teachers.

21 (b) In addition to other topics at in-service training  
22 programs, school guidance counselors, teachers and other  
23 school personnel who work with pupils in grades 7 through 12  
24 shall be trained to identify the warning signs of suicidal  
25 behavior in adolescents and teens and shall be taught

1 appropriate intervention and referral techniques.

2 (c) School guidance counselors, nurses, teachers and other  
3 school personnel who work with pupils may be trained to have a  
4 basic knowledge of matters relating to acquired  
5 immunodeficiency syndrome (AIDS), including the nature of the  
6 disease, its causes and effects, the means of detecting it and  
7 preventing its transmission, and the availability of  
8 appropriate sources of counseling and referral, and any other  
9 information that may be appropriate considering the age and  
10 grade level of such pupils. The School Board shall supervise  
11 such training. The State Board of Education and the Department  
12 of Public Health shall jointly develop standards for such  
13 training.

14 (d) In this subsection (d):

15 "Domestic violence" means abuse by a family or household  
16 member, as "abuse" and "family or household members" are  
17 defined in Section 103 of the Illinois Domestic Violence Act of  
18 1986.

19 "Sexual violence" means sexual assault, abuse, or stalking  
20 of an adult or minor child proscribed in the Criminal Code of  
21 1961 in Sections 12-7.3, 12-7.4, 12-7.5, 12-12, 12-13, 12-14,  
22 12-14.1, 12-15, and 12-16, including sexual violence committed  
23 by perpetrators who are strangers to the victim and sexual  
24 violence committed by perpetrators who are known or related by  
25 blood or marriage to the victim.

26 At least once every 2 years, an in-service training program

1 for school personnel who work with pupils, including, but not  
2 limited to, school and school district administrators,  
3 teachers, school guidance counselors, school social workers,  
4 school counselors, school psychologists, and school nurses,  
5 must be conducted by persons with expertise in domestic and  
6 sexual violence and the needs of expectant and parenting youth  
7 and shall include training concerning (i) communicating with  
8 and listening to youth victims of domestic or sexual violence  
9 and expectant and parenting youth, (ii) connecting youth  
10 victims of domestic or sexual violence and expectant and  
11 parenting youth to appropriate in-school services and other  
12 agencies, programs, and services as needed, and (iii)  
13 implementing the school district's policies, procedures, and  
14 protocols with regard to such youth, including  
15 confidentiality. At a minimum, school personnel must be trained  
16 to understand, provide information and referrals, and address  
17 issues pertaining to youth who are parents, expectant parents,  
18 or victims of domestic or sexual violence.

19 (e) At least every 2 years, an in-service training program  
20 for school personnel who work with pupils must be conducted by  
21 persons with expertise in anaphylactic reactions and  
22 management.

23 (f) ~~(e)~~ At least once every 2 years, a school board shall  
24 conduct in-service training on educator ethics,  
25 teacher-student conduct, and school employee-student conduct  
26 for all personnel.

1 (Source: P.A. 95-558, eff. 8-30-07; 96-349, eff. 8-13-09;  
2 96-431, eff. 8-13-09; revised 9-4-09.)

3 (105 ILCS 5/18-8.05)

4 Sec. 18-8.05. Basis for apportionment of general State  
5 financial aid and supplemental general State aid to the common  
6 schools for the 1998-1999 and subsequent school years.

7 (A) General Provisions.

8 (1) The provisions of this Section apply to the 1998-1999  
9 and subsequent school years. The system of general State  
10 financial aid provided for in this Section is designed to  
11 assure that, through a combination of State financial aid and  
12 required local resources, the financial support provided each  
13 pupil in Average Daily Attendance equals or exceeds a  
14 prescribed per pupil Foundation Level. This formula approach  
15 imputes a level of per pupil Available Local Resources and  
16 provides for the basis to calculate a per pupil level of  
17 general State financial aid that, when added to Available Local  
18 Resources, equals or exceeds the Foundation Level. The amount  
19 of per pupil general State financial aid for school districts,  
20 in general, varies in inverse relation to Available Local  
21 Resources. Per pupil amounts are based upon each school  
22 district's Average Daily Attendance as that term is defined in  
23 this Section.

24 (2) In addition to general State financial aid, school

1 districts with specified levels or concentrations of pupils  
2 from low income households are eligible to receive supplemental  
3 general State financial aid grants as provided pursuant to  
4 subsection (H). The supplemental State aid grants provided for  
5 school districts under subsection (H) shall be appropriated for  
6 distribution to school districts as part of the same line item  
7 in which the general State financial aid of school districts is  
8 appropriated under this Section.

9 (3) To receive financial assistance under this Section,  
10 school districts are required to file claims with the State  
11 Board of Education, subject to the following requirements:

12 (a) Any school district which fails for any given  
13 school year to maintain school as required by law, or to  
14 maintain a recognized school is not eligible to file for  
15 such school year any claim upon the Common School Fund. In  
16 case of nonrecognition of one or more attendance centers in  
17 a school district otherwise operating recognized schools,  
18 the claim of the district shall be reduced in the  
19 proportion which the Average Daily Attendance in the  
20 attendance center or centers bear to the Average Daily  
21 Attendance in the school district. A "recognized school"  
22 means any public school which meets the standards as  
23 established for recognition by the State Board of  
24 Education. A school district or attendance center not  
25 having recognition status at the end of a school term is  
26 entitled to receive State aid payments due upon a legal

1 claim which was filed while it was recognized.

2 (b) School district claims filed under this Section are  
3 subject to Sections 18-9 and 18-12, except as otherwise  
4 provided in this Section.

5 (c) If a school district operates a full year school  
6 under Section 10-19.1, the general State aid to the school  
7 district shall be determined by the State Board of  
8 Education in accordance with this Section as near as may be  
9 applicable.

10 (d) (Blank).

11 (4) Except as provided in subsections (H) and (L), the  
12 board of any district receiving any of the grants provided for  
13 in this Section may apply those funds to any fund so received  
14 for which that board is authorized to make expenditures by law.

15 School districts are not required to exert a minimum  
16 Operating Tax Rate in order to qualify for assistance under  
17 this Section.

18 (5) As used in this Section the following terms, when  
19 capitalized, shall have the meaning ascribed herein:

20 (a) "Average Daily Attendance": A count of pupil  
21 attendance in school, averaged as provided for in  
22 subsection (C) and utilized in deriving per pupil financial  
23 support levels.

24 (b) "Available Local Resources": A computation of  
25 local financial support, calculated on the basis of Average  
26 Daily Attendance and derived as provided pursuant to

1 subsection (D).

2 (c) "Corporate Personal Property Replacement Taxes":  
3 Funds paid to local school districts pursuant to "An Act in  
4 relation to the abolition of ad valorem personal property  
5 tax and the replacement of revenues lost thereby, and  
6 amending and repealing certain Acts and parts of Acts in  
7 connection therewith", certified August 14, 1979, as  
8 amended (Public Act 81-1st S.S.-1).

9 (d) "Foundation Level": A prescribed level of per pupil  
10 financial support as provided for in subsection (B).

11 (e) "Operating Tax Rate": All school district property  
12 taxes extended for all purposes, except Bond and Interest,  
13 Summer School, Rent, Capital Improvement, and Vocational  
14 Education Building purposes.

15 (B) Foundation Level.

16 (1) The Foundation Level is a figure established by the  
17 State representing the minimum level of per pupil financial  
18 support that should be available to provide for the basic  
19 education of each pupil in Average Daily Attendance. As set  
20 forth in this Section, each school district is assumed to exert  
21 a sufficient local taxing effort such that, in combination with  
22 the aggregate of general State financial aid provided the  
23 district, an aggregate of State and local resources are  
24 available to meet the basic education needs of pupils in the  
25 district.

1           (2) For the 1998-1999 school year, the Foundation Level of  
2 support is \$4,225. For the 1999-2000 school year, the  
3 Foundation Level of support is \$4,325. For the 2000-2001 school  
4 year, the Foundation Level of support is \$4,425. For the  
5 2001-2002 school year and 2002-2003 school year, the Foundation  
6 Level of support is \$4,560. For the 2003-2004 school year, the  
7 Foundation Level of support is \$4,810. For the 2004-2005 school  
8 year, the Foundation Level of support is \$4,964. For the  
9 2005-2006 school year, the Foundation Level of support is  
10 \$5,164. For the 2006-2007 school year, the Foundation Level of  
11 support is \$5,334. For the 2007-2008 school year, the  
12 Foundation Level of support is \$5,734. For the 2008-2009 school  
13 year, the Foundation Level of support is \$5,959.

14           (3) For the 2009-2010 school year and each school year  
15 thereafter, the Foundation Level of support is \$6,119 or such  
16 greater amount as may be established by law by the General  
17 Assembly.

18           (C) Average Daily Attendance.

19           (1) For purposes of calculating general State aid pursuant  
20 to subsection (E), an Average Daily Attendance figure shall be  
21 utilized. The Average Daily Attendance figure for formula  
22 calculation purposes shall be the monthly average of the actual  
23 number of pupils in attendance of each school district, as  
24 further averaged for the best 3 months of pupil attendance for  
25 each school district. In compiling the figures for the number

1 of pupils in attendance, school districts and the State Board  
2 of Education shall, for purposes of general State aid funding,  
3 conform attendance figures to the requirements of subsection  
4 (F).

5 (2) The Average Daily Attendance figures utilized in  
6 subsection (E) shall be the requisite attendance data for the  
7 school year immediately preceding the school year for which  
8 general State aid is being calculated or the average of the  
9 attendance data for the 3 preceding school years, whichever is  
10 greater. The Average Daily Attendance figures utilized in  
11 subsection (H) shall be the requisite attendance data for the  
12 school year immediately preceding the school year for which  
13 general State aid is being calculated.

14 (D) Available Local Resources.

15 (1) For purposes of calculating general State aid pursuant  
16 to subsection (E), a representation of Available Local  
17 Resources per pupil, as that term is defined and determined in  
18 this subsection, shall be utilized. Available Local Resources  
19 per pupil shall include a calculated dollar amount representing  
20 local school district revenues from local property taxes and  
21 from Corporate Personal Property Replacement Taxes, expressed  
22 on the basis of pupils in Average Daily Attendance. Calculation  
23 of Available Local Resources shall exclude any tax amnesty  
24 funds received as a result of Public Act 93-26.

25 (2) In determining a school district's revenue from local

1 property taxes, the State Board of Education shall utilize the  
2 equalized assessed valuation of all taxable property of each  
3 school district as of September 30 of the previous year. The  
4 equalized assessed valuation utilized shall be obtained and  
5 determined as provided in subsection (G).

6 (3) For school districts maintaining grades kindergarten  
7 through 12, local property tax revenues per pupil shall be  
8 calculated as the product of the applicable equalized assessed  
9 valuation for the district multiplied by 3.00%, and divided by  
10 the district's Average Daily Attendance figure. For school  
11 districts maintaining grades kindergarten through 8, local  
12 property tax revenues per pupil shall be calculated as the  
13 product of the applicable equalized assessed valuation for the  
14 district multiplied by 2.30%, and divided by the district's  
15 Average Daily Attendance figure. For school districts  
16 maintaining grades 9 through 12, local property tax revenues  
17 per pupil shall be the applicable equalized assessed valuation  
18 of the district multiplied by 1.05%, and divided by the  
19 district's Average Daily Attendance figure.

20 For partial elementary unit districts created pursuant to  
21 Article 11E of this Code, local property tax revenues per pupil  
22 shall be calculated as the product of the equalized assessed  
23 valuation for property within the partial elementary unit  
24 district for elementary purposes, as defined in Article 11E of  
25 this Code, multiplied by 2.06% and divided by the district's  
26 Average Daily Attendance figure, plus the product of the

1 equalized assessed valuation for property within the partial  
2 elementary unit district for high school purposes, as defined  
3 in Article 11E of this Code, multiplied by 0.94% and divided by  
4 the district's Average Daily Attendance figure.

5 (4) The Corporate Personal Property Replacement Taxes paid  
6 to each school district during the calendar year one year  
7 before the calendar year in which a school year begins, divided  
8 by the Average Daily Attendance figure for that district, shall  
9 be added to the local property tax revenues per pupil as  
10 derived by the application of the immediately preceding  
11 paragraph (3). The sum of these per pupil figures for each  
12 school district shall constitute Available Local Resources as  
13 that term is utilized in subsection (E) in the calculation of  
14 general State aid.

15 (E) Computation of General State Aid.

16 (1) For each school year, the amount of general State aid  
17 allotted to a school district shall be computed by the State  
18 Board of Education as provided in this subsection.

19 (2) For any school district for which Available Local  
20 Resources per pupil is less than the product of 0.93 times the  
21 Foundation Level, general State aid for that district shall be  
22 calculated as an amount equal to the Foundation Level minus  
23 Available Local Resources, multiplied by the Average Daily  
24 Attendance of the school district.

25 (3) For any school district for which Available Local

1 Resources per pupil is equal to or greater than the product of  
2 0.93 times the Foundation Level and less than the product of  
3 1.75 times the Foundation Level, the general State aid per  
4 pupil shall be a decimal proportion of the Foundation Level  
5 derived using a linear algorithm. Under this linear algorithm,  
6 the calculated general State aid per pupil shall decline in  
7 direct linear fashion from 0.07 times the Foundation Level for  
8 a school district with Available Local Resources equal to the  
9 product of 0.93 times the Foundation Level, to 0.05 times the  
10 Foundation Level for a school district with Available Local  
11 Resources equal to the product of 1.75 times the Foundation  
12 Level. The allocation of general State aid for school districts  
13 subject to this paragraph 3 shall be the calculated general  
14 State aid per pupil figure multiplied by the Average Daily  
15 Attendance of the school district.

16 (4) For any school district for which Available Local  
17 Resources per pupil equals or exceeds the product of 1.75 times  
18 the Foundation Level, the general State aid for the school  
19 district shall be calculated as the product of \$218 multiplied  
20 by the Average Daily Attendance of the school district.

21 (5) The amount of general State aid allocated to a school  
22 district for the 1999-2000 school year meeting the requirements  
23 set forth in paragraph (4) of subsection (G) shall be increased  
24 by an amount equal to the general State aid that would have  
25 been received by the district for the 1998-1999 school year by  
26 utilizing the Extension Limitation Equalized Assessed

1 Valuation as calculated in paragraph (4) of subsection (G) less  
2 the general State aid allotted for the 1998-1999 school year.  
3 This amount shall be deemed a one time increase, and shall not  
4 affect any future general State aid allocations.

5 (F) Compilation of Average Daily Attendance.

6 (1) Each school district shall, by July 1 of each year,  
7 submit to the State Board of Education, on forms prescribed by  
8 the State Board of Education, attendance figures for the school  
9 year that began in the preceding calendar year. The attendance  
10 information so transmitted shall identify the average daily  
11 attendance figures for each month of the school year. Beginning  
12 with the general State aid claim form for the 2002-2003 school  
13 year, districts shall calculate Average Daily Attendance as  
14 provided in subdivisions (a), (b), and (c) of this paragraph  
15 (1).

16 (a) In districts that do not hold year-round classes,  
17 days of attendance in August shall be added to the month of  
18 September and any days of attendance in June shall be added  
19 to the month of May.

20 (b) In districts in which all buildings hold year-round  
21 classes, days of attendance in July and August shall be  
22 added to the month of September and any days of attendance  
23 in June shall be added to the month of May.

24 (c) In districts in which some buildings, but not all,  
25 hold year-round classes, for the non-year-round buildings,

1 days of attendance in August shall be added to the month of  
2 September and any days of attendance in June shall be added  
3 to the month of May. The average daily attendance for the  
4 year-round buildings shall be computed as provided in  
5 subdivision (b) of this paragraph (1). To calculate the  
6 Average Daily Attendance for the district, the average  
7 daily attendance for the year-round buildings shall be  
8 multiplied by the days in session for the non-year-round  
9 buildings for each month and added to the monthly  
10 attendance of the non-year-round buildings.

11 Except as otherwise provided in this Section, days of  
12 attendance by pupils shall be counted only for sessions of not  
13 less than 5 clock hours of school work per day under direct  
14 supervision of: (i) teachers, or (ii) non-teaching personnel or  
15 volunteer personnel when engaging in non-teaching duties and  
16 supervising in those instances specified in subsection (a) of  
17 Section 10-22.34 and paragraph 10 of Section 34-18, with pupils  
18 of legal school age and in kindergarten and grades 1 through  
19 12.

20 Days of attendance by tuition pupils shall be accredited  
21 only to the districts that pay the tuition to a recognized  
22 school.

23 (2) Days of attendance by pupils of less than 5 clock hours  
24 of school shall be subject to the following provisions in the  
25 compilation of Average Daily Attendance.

26 (a) Pupils regularly enrolled in a public school for

1           only a part of the school day may be counted on the basis  
2           of 1/6 day for every class hour of instruction of 40  
3           minutes or more attended pursuant to such enrollment,  
4           unless a pupil is enrolled in a block-schedule format of 80  
5           minutes or more of instruction, in which case the pupil may  
6           be counted on the basis of the proportion of minutes of  
7           school work completed each day to the minimum number of  
8           minutes that school work is required to be held that day.

9           (b) Days of attendance may be less than 5 clock hours  
10          on the opening and closing of the school term, and upon the  
11          first day of pupil attendance, if preceded by a day or days  
12          utilized as an institute or teachers' workshop.

13          (c) A session of 4 or more clock hours may be counted  
14          as a day of attendance upon certification by the regional  
15          superintendent, and approved by the State Superintendent  
16          of Education to the extent that the district has been  
17          forced to use daily multiple sessions.

18          (d) A session of 3 or more clock hours may be counted  
19          as a day of attendance (1) when the remainder of the school  
20          day or at least 2 hours in the evening of that day is  
21          utilized for an in-service training program for teachers,  
22          up to a maximum of 5 days per school year, provided a  
23          district conducts an in-service training program for  
24          teachers in accordance with Section 10-22.39 of this Code;  
25          or, in lieu of 4 such days, 2 full days may be used, in  
26          which event each such day may be counted as a day required

1 for a legal school calendar pursuant to Section 10-19 of  
2 this Code; (1.5) when, of the 5 days allowed under item  
3 (1), a maximum of 4 days are used for parent-teacher  
4 conferences, or, in lieu of 4 such days, 2 full days are  
5 used, in which case each such day may be counted as a  
6 calendar day required under Section 10-19 of this Code,  
7 provided that the full-day, parent-teacher conference  
8 consists of (i) a minimum of 5 clock hours of  
9 parent-teacher conferences, (ii) both a minimum of 2 clock  
10 hours of parent-teacher conferences held in the evening  
11 following a full day of student attendance, as specified in  
12 subsection (F)(1)(c), and a minimum of 3 clock hours of  
13 parent-teacher conferences held on the day immediately  
14 following evening parent-teacher conferences, or (iii)  
15 multiple parent-teacher conferences held in the evenings  
16 following full days of student attendance, as specified in  
17 subsection (F)(1)(c), in which the time used for the  
18 parent-teacher conferences is equivalent to a minimum of 5  
19 clock hours; and (2) when days in addition to those  
20 provided in items (1) and (1.5) are scheduled by a school  
21 pursuant to its school improvement plan adopted under  
22 Article 34 or its revised or amended school improvement  
23 plan adopted under Article 2, provided that (i) such  
24 sessions of 3 or more clock hours are scheduled to occur at  
25 regular intervals, (ii) the remainder of the school days in  
26 which such sessions occur are utilized for in-service

1 training programs or other staff development activities  
2 for teachers, and (iii) a sufficient number of minutes of  
3 school work under the direct supervision of teachers are  
4 added to the school days between such regularly scheduled  
5 sessions to accumulate not less than the number of minutes  
6 by which such sessions of 3 or more clock hours fall short  
7 of 5 clock hours. Any full days used for the purposes of  
8 this paragraph shall not be considered for computing  
9 average daily attendance. Days scheduled for in-service  
10 training programs, staff development activities, or  
11 parent-teacher conferences may be scheduled separately for  
12 different grade levels and different attendance centers of  
13 the district.

14 (e) A session of not less than one clock hour of  
15 teaching hospitalized or homebound pupils on-site or by  
16 telephone to the classroom may be counted as 1/2 day of  
17 attendance, however these pupils must receive 4 or more  
18 clock hours of instruction to be counted for a full day of  
19 attendance.

20 (f) A session of at least 4 clock hours may be counted  
21 as a day of attendance for first grade pupils, and pupils  
22 in full day kindergartens, and a session of 2 or more hours  
23 may be counted as 1/2 day of attendance by pupils in  
24 kindergartens which provide only 1/2 day of attendance.

25 (g) For children with disabilities who are below the  
26 age of 6 years and who cannot attend 2 or more clock hours

1 because of their disability or immaturity, a session of not  
2 less than one clock hour may be counted as 1/2 day of  
3 attendance; however for such children whose educational  
4 needs so require a session of 4 or more clock hours may be  
5 counted as a full day of attendance.

6 (h) A recognized kindergarten which provides for only  
7 1/2 day of attendance by each pupil shall not have more  
8 than 1/2 day of attendance counted in any one day. However,  
9 kindergartens may count 2 1/2 days of attendance in any 5  
10 consecutive school days. When a pupil attends such a  
11 kindergarten for 2 half days on any one school day, the  
12 pupil shall have the following day as a day absent from  
13 school, unless the school district obtains permission in  
14 writing from the State Superintendent of Education.  
15 Attendance at kindergartens which provide for a full day of  
16 attendance by each pupil shall be counted the same as  
17 attendance by first grade pupils. Only the first year of  
18 attendance in one kindergarten shall be counted, except in  
19 case of children who entered the kindergarten in their  
20 fifth year whose educational development requires a second  
21 year of kindergarten as determined under the rules and  
22 regulations of the State Board of Education.

23 (i) On the days when the Prairie State Achievement  
24 Examination is administered under subsection (c) of  
25 Section 2-3.64 of this Code, the day of attendance for a  
26 pupil whose school day must be shortened to accommodate

1 required testing procedures may be less than 5 clock hours  
2 and shall be counted towards the 176 days of actual pupil  
3 attendance required under Section 10-19 of this Code,  
4 provided that a sufficient number of minutes of school work  
5 in excess of 5 clock hours are first completed on other  
6 school days to compensate for the loss of school work on  
7 the examination days.

8 (G) Equalized Assessed Valuation Data.

9 (1) For purposes of the calculation of Available Local  
10 Resources required pursuant to subsection (D), the State Board  
11 of Education shall secure from the Department of Revenue the  
12 value as equalized or assessed by the Department of Revenue of  
13 all taxable property of every school district, together with  
14 (i) the applicable tax rate used in extending taxes for the  
15 funds of the district as of September 30 of the previous year  
16 and (ii) the limiting rate for all school districts subject to  
17 property tax extension limitations as imposed under the  
18 Property Tax Extension Limitation Law.

19 The Department of Revenue shall add to the equalized  
20 assessed value of all taxable property of each school district  
21 situated entirely or partially within a county that is or was  
22 subject to the provisions of Section 15-176 or 15-177 of the  
23 Property Tax Code (a) an amount equal to the total amount by  
24 which the homestead exemption allowed under Section 15-176 or  
25 15-177 of the Property Tax Code for real property situated in

1 that school district exceeds the total amount that would have  
2 been allowed in that school district if the maximum reduction  
3 under Section 15-176 was (i) \$4,500 in Cook County or \$3,500 in  
4 all other counties in tax year 2003 or (ii) \$5,000 in all  
5 counties in tax year 2004 and thereafter and (b) an amount  
6 equal to the aggregate amount for the taxable year of all  
7 additional exemptions under Section 15-175 of the Property Tax  
8 Code for owners with a household income of \$30,000 or less. The  
9 county clerk of any county that is or was subject to the  
10 provisions of Section 15-176 or 15-177 of the Property Tax Code  
11 shall annually calculate and certify to the Department of  
12 Revenue for each school district all homestead exemption  
13 amounts under Section 15-176 or 15-177 of the Property Tax Code  
14 and all amounts of additional exemptions under Section 15-175  
15 of the Property Tax Code for owners with a household income of  
16 \$30,000 or less. It is the intent of this paragraph that if the  
17 general homestead exemption for a parcel of property is  
18 determined under Section 15-176 or 15-177 of the Property Tax  
19 Code rather than Section 15-175, then the calculation of  
20 Available Local Resources shall not be affected by the  
21 difference, if any, between the amount of the general homestead  
22 exemption allowed for that parcel of property under Section  
23 15-176 or 15-177 of the Property Tax Code and the amount that  
24 would have been allowed had the general homestead exemption for  
25 that parcel of property been determined under Section 15-175 of  
26 the Property Tax Code. It is further the intent of this

1 paragraph that if additional exemptions are allowed under  
2 Section 15-175 of the Property Tax Code for owners with a  
3 household income of less than \$30,000, then the calculation of  
4 Available Local Resources shall not be affected by the  
5 difference, if any, because of those additional exemptions.

6 This equalized assessed valuation, as adjusted further by  
7 the requirements of this subsection, shall be utilized in the  
8 calculation of Available Local Resources.

9 (2) The equalized assessed valuation in paragraph (1) shall  
10 be adjusted, as applicable, in the following manner:

11 (a) For the purposes of calculating State aid under  
12 this Section, with respect to any part of a school district  
13 within a redevelopment project area in respect to which a  
14 municipality has adopted tax increment allocation  
15 financing pursuant to the Tax Increment Allocation  
16 Redevelopment Act, Sections 11-74.4-1 through 11-74.4-11  
17 of the Illinois Municipal Code or the Industrial Jobs  
18 Recovery Law, Sections 11-74.6-1 through 11-74.6-50 of the  
19 Illinois Municipal Code, no part of the current equalized  
20 assessed valuation of real property located in any such  
21 project area which is attributable to an increase above the  
22 total initial equalized assessed valuation of such  
23 property shall be used as part of the equalized assessed  
24 valuation of the district, until such time as all  
25 redevelopment project costs have been paid, as provided in  
26 Section 11-74.4-8 of the Tax Increment Allocation

1           Redevelopment Act or in Section 11-74.6-35 of the  
2           Industrial Jobs Recovery Law. For the purpose of the  
3           equalized assessed valuation of the district, the total  
4           initial equalized assessed valuation or the current  
5           equalized assessed valuation, whichever is lower, shall be  
6           used until such time as all redevelopment project costs  
7           have been paid.

8           (b) The real property equalized assessed valuation for  
9           a school district shall be adjusted by subtracting from the  
10          real property value as equalized or assessed by the  
11          Department of Revenue for the district an amount computed  
12          by dividing the amount of any abatement of taxes under  
13          Section 18-170 of the Property Tax Code by 3.00% for a  
14          district maintaining grades kindergarten through 12, by  
15          2.30% for a district maintaining grades kindergarten  
16          through 8, or by 1.05% for a district maintaining grades 9  
17          through 12 and adjusted by an amount computed by dividing  
18          the amount of any abatement of taxes under subsection (a)  
19          of Section 18-165 of the Property Tax Code by the same  
20          percentage rates for district type as specified in this  
21          subparagraph (b).

22          (3) For the 1999-2000 school year and each school year  
23          thereafter, if a school district meets all of the criteria of  
24          this subsection (G) (3), the school district's Available Local  
25          Resources shall be calculated under subsection (D) using the  
26          district's Extension Limitation Equalized Assessed Valuation

1 as calculated under this subsection (G) (3).

2 For purposes of this subsection (G) (3) the following terms  
3 shall have the following meanings:

4 "Budget Year": The school year for which general State  
5 aid is calculated and awarded under subsection (E).

6 "Base Tax Year": The property tax levy year used to  
7 calculate the Budget Year allocation of general State aid.

8 "Preceding Tax Year": The property tax levy year  
9 immediately preceding the Base Tax Year.

10 "Base Tax Year's Tax Extension": The product of the  
11 equalized assessed valuation utilized by the County Clerk  
12 in the Base Tax Year multiplied by the limiting rate as  
13 calculated by the County Clerk and defined in the Property  
14 Tax Extension Limitation Law.

15 "Preceding Tax Year's Tax Extension": The product of  
16 the equalized assessed valuation utilized by the County  
17 Clerk in the Preceding Tax Year multiplied by the Operating  
18 Tax Rate as defined in subsection (A).

19 "Extension Limitation Ratio": A numerical ratio,  
20 certified by the County Clerk, in which the numerator is  
21 the Base Tax Year's Tax Extension and the denominator is  
22 the Preceding Tax Year's Tax Extension.

23 "Operating Tax Rate": The operating tax rate as defined  
24 in subsection (A).

25 If a school district is subject to property tax extension  
26 limitations as imposed under the Property Tax Extension

1 Limitation Law, the State Board of Education shall calculate  
2 the Extension Limitation Equalized Assessed Valuation of that  
3 district. For the 1999-2000 school year, the Extension  
4 Limitation Equalized Assessed Valuation of a school district as  
5 calculated by the State Board of Education shall be equal to  
6 the product of the district's 1996 Equalized Assessed Valuation  
7 and the district's Extension Limitation Ratio. Except as  
8 otherwise provided in this paragraph for a school district that  
9 has approved or does approve an increase in its limiting rate,  
10 for the 2000-2001 school year and each school year thereafter,  
11 the Extension Limitation Equalized Assessed Valuation of a  
12 school district as calculated by the State Board of Education  
13 shall be equal to the product of the Equalized Assessed  
14 Valuation last used in the calculation of general State aid and  
15 the district's Extension Limitation Ratio. If the Extension  
16 Limitation Equalized Assessed Valuation of a school district as  
17 calculated under this subsection (G)(3) is less than the  
18 district's equalized assessed valuation as calculated pursuant  
19 to subsections (G)(1) and (G)(2), then for purposes of  
20 calculating the district's general State aid for the Budget  
21 Year pursuant to subsection (E), that Extension Limitation  
22 Equalized Assessed Valuation shall be utilized to calculate the  
23 district's Available Local Resources under subsection (D). For  
24 the 2009-2010 school year and each school year thereafter, if a  
25 school district has approved or does approve an increase in its  
26 limiting rate, pursuant to Section 18-190 of the Property Tax

1 Code, affecting the Base Tax Year, the Extension Limitation  
2 Equalized Assessed Valuation of the school district, as  
3 calculated by the State Board of Education, shall be equal to  
4 the product of the Equalized Assessed Valuation last used in  
5 the calculation of general State aid times an amount equal to  
6 one plus the percentage increase, if any, in the Consumer Price  
7 Index for all Urban Consumers for all items published by the  
8 United States Department of Labor for the 12-month calendar  
9 year preceding the Base Tax Year, plus the Equalized Assessed  
10 Valuation of new property, annexed property, and recovered tax  
11 increment value and minus the Equalized Assessed Valuation of  
12 disconnected property. New property and recovered tax  
13 increment value shall have the meanings set forth in the  
14 Property Tax Extension Limitation Law.

15 Partial elementary unit districts created in accordance  
16 with Article 11E of this Code shall not be eligible for the  
17 adjustment in this subsection (G)(3) until the fifth year  
18 following the effective date of the reorganization.

19 (4) For the purposes of calculating general State aid for  
20 the 1999-2000 school year only, if a school district  
21 experienced a triennial reassessment on the equalized assessed  
22 valuation used in calculating its general State financial aid  
23 apportionment for the 1998-1999 school year, the State Board of  
24 Education shall calculate the Extension Limitation Equalized  
25 Assessed Valuation that would have been used to calculate the  
26 district's 1998-1999 general State aid. This amount shall equal

1 the product of the equalized assessed valuation used to  
2 calculate general State aid for the 1997-1998 school year and  
3 the district's Extension Limitation Ratio. If the Extension  
4 Limitation Equalized Assessed Valuation of the school district  
5 as calculated under this paragraph (4) is less than the  
6 district's equalized assessed valuation utilized in  
7 calculating the district's 1998-1999 general State aid  
8 allocation, then for purposes of calculating the district's  
9 general State aid pursuant to paragraph (5) of subsection (E),  
10 that Extension Limitation Equalized Assessed Valuation shall  
11 be utilized to calculate the district's Available Local  
12 Resources.

13 (5) For school districts having a majority of their  
14 equalized assessed valuation in any county except Cook, DuPage,  
15 Kane, Lake, McHenry, or Will, if the amount of general State  
16 aid allocated to the school district for the 1999-2000 school  
17 year under the provisions of subsection (E), (H), and (J) of  
18 this Section is less than the amount of general State aid  
19 allocated to the district for the 1998-1999 school year under  
20 these subsections, then the general State aid of the district  
21 for the 1999-2000 school year only shall be increased by the  
22 difference between these amounts. The total payments made under  
23 this paragraph (5) shall not exceed \$14,000,000. Claims shall  
24 be prorated if they exceed \$14,000,000.

25 (H) Supplemental General State Aid.

1           (1) In addition to the general State aid a school district  
2 is allotted pursuant to subsection (E), qualifying school  
3 districts shall receive a grant, paid in conjunction with a  
4 district's payments of general State aid, for supplemental  
5 general State aid based upon the concentration level of  
6 children from low-income households within the school  
7 district. Supplemental State aid grants provided for school  
8 districts under this subsection shall be appropriated for  
9 distribution to school districts as part of the same line item  
10 in which the general State financial aid of school districts is  
11 appropriated under this Section. If the appropriation in any  
12 fiscal year for general State aid and supplemental general  
13 State aid is insufficient to pay the amounts required under the  
14 general State aid and supplemental general State aid  
15 calculations, then the State Board of Education shall ensure  
16 that each school district receives the full amount due for  
17 general State aid and the remainder of the appropriation shall  
18 be used for supplemental general State aid, which the State  
19 Board of Education shall calculate and pay to eligible  
20 districts on a prorated basis.

21           (1.5) This paragraph (1.5) applies only to those school  
22 years preceding the 2003-2004 school year. For purposes of this  
23 subsection (H), the term "Low-Income Concentration Level"  
24 shall be the low-income eligible pupil count from the most  
25 recently available federal census divided by the Average Daily  
26 Attendance of the school district. If, however, (i) the

1 percentage decrease from the 2 most recent federal censuses in  
2 the low-income eligible pupil count of a high school district  
3 with fewer than 400 students exceeds by 75% or more the  
4 percentage change in the total low-income eligible pupil count  
5 of contiguous elementary school districts, whose boundaries  
6 are coterminous with the high school district, or (ii) a high  
7 school district within 2 counties and serving 5 elementary  
8 school districts, whose boundaries are coterminous with the  
9 high school district, has a percentage decrease from the 2 most  
10 recent federal censuses in the low-income eligible pupil count  
11 and there is a percentage increase in the total low-income  
12 eligible pupil count of a majority of the elementary school  
13 districts in excess of 50% from the 2 most recent federal  
14 censuses, then the high school district's low-income eligible  
15 pupil count from the earlier federal census shall be the number  
16 used as the low-income eligible pupil count for the high school  
17 district, for purposes of this subsection (H). The changes made  
18 to this paragraph (1) by Public Act 92-28 shall apply to  
19 supplemental general State aid grants for school years  
20 preceding the 2003-2004 school year that are paid in fiscal  
21 year 1999 or thereafter and to any State aid payments made in  
22 fiscal year 1994 through fiscal year 1998 pursuant to  
23 subsection 1(n) of Section 18-8 of this Code (which was  
24 repealed on July 1, 1998), and any high school district that is  
25 affected by Public Act 92-28 is entitled to a recomputation of  
26 its supplemental general State aid grant or State aid paid in

1 any of those fiscal years. This recomputation shall not be  
2 affected by any other funding.

3 (1.10) This paragraph (1.10) applies to the 2003-2004  
4 school year and each school year thereafter. For purposes of  
5 this subsection (H), the term "Low-Income Concentration Level"  
6 shall, for each fiscal year, be the low-income eligible pupil  
7 count as of July 1 of the immediately preceding fiscal year (as  
8 determined by the Department of Human Services based on the  
9 number of pupils who are eligible for at least one of the  
10 following low income programs: Medicaid, the Children's Health  
11 Insurance Program, TANF, or Food Stamps, excluding pupils who  
12 are eligible for services provided by the Department of  
13 Children and Family Services, averaged over the 2 immediately  
14 preceding fiscal years for fiscal year 2004 and over the 3  
15 immediately preceding fiscal years for each fiscal year  
16 thereafter) divided by the Average Daily Attendance of the  
17 school district.

18 (2) Supplemental general State aid pursuant to this  
19 subsection (H) shall be provided as follows for the 1998-1999,  
20 1999-2000, and 2000-2001 school years only:

21 (a) For any school district with a Low Income  
22 Concentration Level of at least 20% and less than 35%, the  
23 grant for any school year shall be \$800 multiplied by the  
24 low income eligible pupil count.

25 (b) For any school district with a Low Income  
26 Concentration Level of at least 35% and less than 50%, the

1 grant for the 1998-1999 school year shall be \$1,100  
2 multiplied by the low income eligible pupil count.

3 (c) For any school district with a Low Income  
4 Concentration Level of at least 50% and less than 60%, the  
5 grant for the 1998-99 school year shall be \$1,500  
6 multiplied by the low income eligible pupil count.

7 (d) For any school district with a Low Income  
8 Concentration Level of 60% or more, the grant for the  
9 1998-99 school year shall be \$1,900 multiplied by the low  
10 income eligible pupil count.

11 (e) For the 1999-2000 school year, the per pupil amount  
12 specified in subparagraphs (b), (c), and (d) immediately  
13 above shall be increased to \$1,243, \$1,600, and \$2,000,  
14 respectively.

15 (f) For the 2000-2001 school year, the per pupil  
16 amounts specified in subparagraphs (b), (c), and (d)  
17 immediately above shall be \$1,273, \$1,640, and \$2,050,  
18 respectively.

19 (2.5) Supplemental general State aid pursuant to this  
20 subsection (H) shall be provided as follows for the 2002-2003  
21 school year:

22 (a) For any school district with a Low Income  
23 Concentration Level of less than 10%, the grant for each  
24 school year shall be \$355 multiplied by the low income  
25 eligible pupil count.

26 (b) For any school district with a Low Income

1 Concentration Level of at least 10% and less than 20%, the  
2 grant for each school year shall be \$675 multiplied by the  
3 low income eligible pupil count.

4 (c) For any school district with a Low Income  
5 Concentration Level of at least 20% and less than 35%, the  
6 grant for each school year shall be \$1,330 multiplied by  
7 the low income eligible pupil count.

8 (d) For any school district with a Low Income  
9 Concentration Level of at least 35% and less than 50%, the  
10 grant for each school year shall be \$1,362 multiplied by  
11 the low income eligible pupil count.

12 (e) For any school district with a Low Income  
13 Concentration Level of at least 50% and less than 60%, the  
14 grant for each school year shall be \$1,680 multiplied by  
15 the low income eligible pupil count.

16 (f) For any school district with a Low Income  
17 Concentration Level of 60% or more, the grant for each  
18 school year shall be \$2,080 multiplied by the low income  
19 eligible pupil count.

20 (2.10) Except as otherwise provided, supplemental general  
21 State aid pursuant to this subsection (H) shall be provided as  
22 follows for the 2003-2004 school year and each school year  
23 thereafter:

24 (a) For any school district with a Low Income  
25 Concentration Level of 15% or less, the grant for each  
26 school year shall be \$355 multiplied by the low income

1 eligible pupil count.

2 (b) For any school district with a Low Income  
3 Concentration Level greater than 15%, the grant for each  
4 school year shall be \$294.25 added to the product of \$2,700  
5 and the square of the Low Income Concentration Level, all  
6 multiplied by the low income eligible pupil count.

7 For the 2003-2004 school year and each school year  
8 thereafter through the 2008-2009 school year only, the grant  
9 shall be no less than the grant for the 2002-2003 school year.  
10 For the 2009-2010 school year only, the grant shall be no less  
11 than the grant for the 2002-2003 school year multiplied by  
12 0.66. For the 2010-2011 school year only, the grant shall be no  
13 less than the grant for the 2002-2003 school year multiplied by  
14 0.33. Notwithstanding the provisions of this paragraph to the  
15 contrary, if for any school year supplemental general State aid  
16 grants are prorated as provided in paragraph (1) of this  
17 subsection (H), then the grants under this paragraph shall be  
18 prorated.

19 For the 2003-2004 school year only, the grant shall be no  
20 greater than the grant received during the 2002-2003 school  
21 year added to the product of 0.25 multiplied by the difference  
22 between the grant amount calculated under subsection (a) or (b)  
23 of this paragraph (2.10), whichever is applicable, and the  
24 grant received during the 2002-2003 school year. For the  
25 2004-2005 school year only, the grant shall be no greater than  
26 the grant received during the 2002-2003 school year added to

1 the product of 0.50 multiplied by the difference between the  
2 grant amount calculated under subsection (a) or (b) of this  
3 paragraph (2.10), whichever is applicable, and the grant  
4 received during the 2002-2003 school year. For the 2005-2006  
5 school year only, the grant shall be no greater than the grant  
6 received during the 2002-2003 school year added to the product  
7 of 0.75 multiplied by the difference between the grant amount  
8 calculated under subsection (a) or (b) of this paragraph  
9 (2.10), whichever is applicable, and the grant received during  
10 the 2002-2003 school year.

11 (3) School districts with an Average Daily Attendance of  
12 more than 1,000 and less than 50,000 that qualify for  
13 supplemental general State aid pursuant to this subsection  
14 shall submit a plan to the State Board of Education prior to  
15 October 30 of each year for the use of the funds resulting from  
16 this grant of supplemental general State aid for the  
17 improvement of instruction in which priority is given to  
18 meeting the education needs of disadvantaged children. Such  
19 plan shall be submitted in accordance with rules and  
20 regulations promulgated by the State Board of Education.

21 (4) School districts with an Average Daily Attendance of  
22 50,000 or more that qualify for supplemental general State aid  
23 pursuant to this subsection shall be required to distribute  
24 from funds available pursuant to this Section, no less than  
25 \$261,000,000 in accordance with the following requirements:

26 (a) The required amounts shall be distributed to the

1 attendance centers within the district in proportion to the  
2 number of pupils enrolled at each attendance center who are  
3 eligible to receive free or reduced-price lunches or  
4 breakfasts under the federal Child Nutrition Act of 1966  
5 and under the National School Lunch Act during the  
6 immediately preceding school year.

7 (b) The distribution of these portions of supplemental  
8 and general State aid among attendance centers according to  
9 these requirements shall not be compensated for or  
10 contravened by adjustments of the total of other funds  
11 appropriated to any attendance centers, and the Board of  
12 Education shall utilize funding from one or several sources  
13 in order to fully implement this provision annually prior  
14 to the opening of school.

15 (c) Each attendance center shall be provided by the  
16 school district a distribution of noncategorical funds and  
17 other categorical funds to which an attendance center is  
18 entitled under law in order that the general State aid and  
19 supplemental general State aid provided by application of  
20 this subsection supplements rather than supplants the  
21 noncategorical funds and other categorical funds provided  
22 by the school district to the attendance centers.

23 (d) Any funds made available under this subsection that  
24 by reason of the provisions of this subsection are not  
25 required to be allocated and provided to attendance centers  
26 may be used and appropriated by the board of the district

1 for any lawful school purpose.

2 (e) Funds received by an attendance center pursuant to  
3 this subsection shall be used by the attendance center at  
4 the discretion of the principal and local school council  
5 for programs to improve educational opportunities at  
6 qualifying schools through the following programs and  
7 services: early childhood education, reduced class size or  
8 improved adult to student classroom ratio, enrichment  
9 programs, remedial assistance, attendance improvement, and  
10 other educationally beneficial expenditures which  
11 supplement the regular and basic programs as determined by  
12 the State Board of Education. Funds provided shall not be  
13 expended for any political or lobbying purposes as defined  
14 by board rule.

15 (f) Each district subject to the provisions of this  
16 subdivision (H) (4) shall submit an acceptable plan to meet  
17 the educational needs of disadvantaged children, in  
18 compliance with the requirements of this paragraph, to the  
19 State Board of Education prior to July 15 of each year.  
20 This plan shall be consistent with the decisions of local  
21 school councils concerning the school expenditure plans  
22 developed in accordance with part 4 of Section 34-2.3. The  
23 State Board shall approve or reject the plan within 60 days  
24 after its submission. If the plan is rejected, the district  
25 shall give written notice of intent to modify the plan  
26 within 15 days of the notification of rejection and then

1 submit a modified plan within 30 days after the date of the  
2 written notice of intent to modify. Districts may amend  
3 approved plans pursuant to rules promulgated by the State  
4 Board of Education.

5 Upon notification by the State Board of Education that  
6 the district has not submitted a plan prior to July 15 or a  
7 modified plan within the time period specified herein, the  
8 State aid funds affected by that plan or modified plan  
9 shall be withheld by the State Board of Education until a  
10 plan or modified plan is submitted.

11 If the district fails to distribute State aid to  
12 attendance centers in accordance with an approved plan, the  
13 plan for the following year shall allocate funds, in  
14 addition to the funds otherwise required by this  
15 subsection, to those attendance centers which were  
16 underfunded during the previous year in amounts equal to  
17 such underfunding.

18 For purposes of determining compliance with this  
19 subsection in relation to the requirements of attendance  
20 center funding, each district subject to the provisions of  
21 this subsection shall submit as a separate document by  
22 December 1 of each year a report of expenditure data for  
23 the prior year in addition to any modification of its  
24 current plan. If it is determined that there has been a  
25 failure to comply with the expenditure provisions of this  
26 subsection regarding contravention or supplanting, the

1 State Superintendent of Education shall, within 60 days of  
2 receipt of the report, notify the district and any affected  
3 local school council. The district shall within 45 days of  
4 receipt of that notification inform the State  
5 Superintendent of Education of the remedial or corrective  
6 action to be taken, whether by amendment of the current  
7 plan, if feasible, or by adjustment in the plan for the  
8 following year. Failure to provide the expenditure report  
9 or the notification of remedial or corrective action in a  
10 timely manner shall result in a withholding of the affected  
11 funds.

12 The State Board of Education shall promulgate rules and  
13 regulations to implement the provisions of this  
14 subsection. No funds shall be released under this  
15 subdivision (H) (4) to any district that has not submitted a  
16 plan that has been approved by the State Board of  
17 Education.

18 (I) (Blank).

19 (J) Supplementary Grants in Aid.

20 (1) Notwithstanding any other provisions of this Section,  
21 the amount of the aggregate general State aid in combination  
22 with supplemental general State aid under this Section for  
23 which each school district is eligible shall be no less than  
24 the amount of the aggregate general State aid entitlement that

1 was received by the district under Section 18-8 (exclusive of  
2 amounts received under subsections 5(p) and 5(p-5) of that  
3 Section) for the 1997-98 school year, pursuant to the  
4 provisions of that Section as it was then in effect. If a  
5 school district qualifies to receive a supplementary payment  
6 made under this subsection (J), the amount of the aggregate  
7 general State aid in combination with supplemental general  
8 State aid under this Section which that district is eligible to  
9 receive for each school year shall be no less than the amount  
10 of the aggregate general State aid entitlement that was  
11 received by the district under Section 18-8 (exclusive of  
12 amounts received under subsections 5(p) and 5(p-5) of that  
13 Section) for the 1997-1998 school year, pursuant to the  
14 provisions of that Section as it was then in effect.

15 (2) If, as provided in paragraph (1) of this subsection  
16 (J), a school district is to receive aggregate general State  
17 aid in combination with supplemental general State aid under  
18 this Section for the 1998-99 school year and any subsequent  
19 school year that in any such school year is less than the  
20 amount of the aggregate general State aid entitlement that the  
21 district received for the 1997-98 school year, the school  
22 district shall also receive, from a separate appropriation made  
23 for purposes of this subsection (J), a supplementary payment  
24 that is equal to the amount of the difference in the aggregate  
25 State aid figures as described in paragraph (1).

26 (3) (Blank).

1 (K) Grants to Laboratory and Alternative Schools.

2 In calculating the amount to be paid to the governing board  
3 of a public university that operates a laboratory school under  
4 this Section or to any alternative school that is operated by a  
5 regional superintendent of schools, the State Board of  
6 Education shall require by rule such reporting requirements as  
7 it deems necessary.

8 As used in this Section, "laboratory school" means a public  
9 school which is created and operated by a public university and  
10 approved by the State Board of Education. The governing board  
11 of a public university which receives funds from the State  
12 Board under this subsection (K) may not increase the number of  
13 students enrolled in its laboratory school from a single  
14 district, if that district is already sending 50 or more  
15 students, except under a mutual agreement between the school  
16 board of a student's district of residence and the university  
17 which operates the laboratory school. A laboratory school may  
18 not have more than 1,000 students, excluding students with  
19 disabilities in a special education program.

20 As used in this Section, "alternative school" means a  
21 public school which is created and operated by a Regional  
22 Superintendent of Schools and approved by the State Board of  
23 Education. Such alternative schools may offer courses of  
24 instruction for which credit is given in regular school  
25 programs, courses to prepare students for the high school

1 equivalency testing program or vocational and occupational  
2 training. A regional superintendent of schools may contract  
3 with a school district or a public community college district  
4 to operate an alternative school. An alternative school serving  
5 more than one educational service region may be established by  
6 the regional superintendents of schools of the affected  
7 educational service regions. An alternative school serving  
8 more than one educational service region may be operated under  
9 such terms as the regional superintendents of schools of those  
10 educational service regions may agree.

11 Each laboratory and alternative school shall file, on forms  
12 provided by the State Superintendent of Education, an annual  
13 State aid claim which states the Average Daily Attendance of  
14 the school's students by month. The best 3 months' Average  
15 Daily Attendance shall be computed for each school. The general  
16 State aid entitlement shall be computed by multiplying the  
17 applicable Average Daily Attendance by the Foundation Level as  
18 determined under this Section.

19 (L) Payments, Additional Grants in Aid and Other Requirements.

20 (1) For a school district operating under the financial  
21 supervision of an Authority created under Article 34A, the  
22 general State aid otherwise payable to that district under this  
23 Section, but not the supplemental general State aid, shall be  
24 reduced by an amount equal to the budget for the operations of  
25 the Authority as certified by the Authority to the State Board

1 of Education, and an amount equal to such reduction shall be  
2 paid to the Authority created for such district for its  
3 operating expenses in the manner provided in Section 18-11. The  
4 remainder of general State school aid for any such district  
5 shall be paid in accordance with Article 34A when that Article  
6 provides for a disposition other than that provided by this  
7 Article.

8 (2) (Blank).

9 (3) Summer school. Summer school payments shall be made as  
10 provided in Section 18-4.3.

11 (M) Education Funding Advisory Board.

12 The Education Funding Advisory Board, hereinafter in this  
13 subsection (M) referred to as the "Board", is hereby created.  
14 The Board shall consist of 5 members who are appointed by the  
15 Governor, by and with the advice and consent of the Senate. The  
16 members appointed shall include representatives of education,  
17 business, and the general public. One of the members so  
18 appointed shall be designated by the Governor at the time the  
19 appointment is made as the chairperson of the Board. The  
20 initial members of the Board may be appointed any time after  
21 the effective date of this amendatory Act of 1997. The regular  
22 term of each member of the Board shall be for 4 years from the  
23 third Monday of January of the year in which the term of the  
24 member's appointment is to commence, except that of the 5  
25 initial members appointed to serve on the Board, the member who

1 is appointed as the chairperson shall serve for a term that  
2 commences on the date of his or her appointment and expires on  
3 the third Monday of January, 2002, and the remaining 4 members,  
4 by lots drawn at the first meeting of the Board that is held  
5 after all 5 members are appointed, shall determine 2 of their  
6 number to serve for terms that commence on the date of their  
7 respective appointments and expire on the third Monday of  
8 January, 2001, and 2 of their number to serve for terms that  
9 commence on the date of their respective appointments and  
10 expire on the third Monday of January, 2000. All members  
11 appointed to serve on the Board shall serve until their  
12 respective successors are appointed and confirmed. Vacancies  
13 shall be filled in the same manner as original appointments. If  
14 a vacancy in membership occurs at a time when the Senate is not  
15 in session, the Governor shall make a temporary appointment  
16 until the next meeting of the Senate, when he or she shall  
17 appoint, by and with the advice and consent of the Senate, a  
18 person to fill that membership for the unexpired term. If the  
19 Senate is not in session when the initial appointments are  
20 made, those appointments shall be made as in the case of  
21 vacancies.

22 The Education Funding Advisory Board shall be deemed  
23 established, and the initial members appointed by the Governor  
24 to serve as members of the Board shall take office, on the date  
25 that the Governor makes his or her appointment of the fifth  
26 initial member of the Board, whether those initial members are

1 then serving pursuant to appointment and confirmation or  
2 pursuant to temporary appointments that are made by the  
3 Governor as in the case of vacancies.

4 The State Board of Education shall provide such staff  
5 assistance to the Education Funding Advisory Board as is  
6 reasonably required for the proper performance by the Board of  
7 its responsibilities.

8 For school years after the 2000-2001 school year, the  
9 Education Funding Advisory Board, in consultation with the  
10 State Board of Education, shall make recommendations as  
11 provided in this subsection (M) to the General Assembly for the  
12 foundation level under subdivision (B)(3) of this Section and  
13 for the supplemental general State aid grant level under  
14 subsection (H) of this Section for districts with high  
15 concentrations of children from poverty. The recommended  
16 foundation level shall be determined based on a methodology  
17 which incorporates the basic education expenditures of  
18 low-spending schools exhibiting high academic performance. The  
19 Education Funding Advisory Board shall make such  
20 recommendations to the General Assembly on January 1 of odd  
21 numbered years, beginning January 1, 2001.

22 (N) (Blank).

23 (O) References.

24 (1) References in other laws to the various subdivisions of

1 Section 18-8 as that Section existed before its repeal and  
2 replacement by this Section 18-8.05 shall be deemed to refer to  
3 the corresponding provisions of this Section 18-8.05, to the  
4 extent that those references remain applicable.

5 (2) References in other laws to State Chapter 1 funds shall  
6 be deemed to refer to the supplemental general State aid  
7 provided under subsection (H) of this Section.

8 (P) Public Act 93-838 and Public Act 93-808 make inconsistent  
9 changes to this Section. Under Section 6 of the Statute on  
10 Statutes there is an irreconcilable conflict between Public Act  
11 93-808 and Public Act 93-838. Public Act 93-838, being the last  
12 acted upon, is controlling. The text of Public Act 93-838 is  
13 the law regardless of the text of Public Act 93-808.

14 (Source: P.A. 95-331, eff. 8-21-07; 95-644, eff. 10-12-07;  
15 95-707, eff. 1-11-08; 95-744, eff. 7-18-08; 95-903, eff.  
16 8-25-08; 96-45, eff. 7-15-09; 96-152, eff. 8-7-09; 96-300, eff.  
17 8-11-09; 96-328, eff. 8-11-09; 96-640, eff. 8-24-09; revised  
18 10-23-09.)

19 (105 ILCS 5/19-1)

20 Sec. 19-1. Debt limitations of school districts.

21 (a) School districts shall not be subject to the provisions  
22 limiting their indebtedness prescribed in "An Act to limit the  
23 indebtedness of counties having a population of less than  
24 500,000 and townships, school districts and other municipal

1 corporations having a population of less than 300,000",  
2 approved February 15, 1928, as amended.

3 No school districts maintaining grades K through 8 or 9  
4 through 12 shall become indebted in any manner or for any  
5 purpose to an amount, including existing indebtedness, in the  
6 aggregate exceeding 6.9% on the value of the taxable property  
7 therein to be ascertained by the last assessment for State and  
8 county taxes or, until January 1, 1983, if greater, the sum  
9 that is produced by multiplying the school district's 1978  
10 equalized assessed valuation by the debt limitation percentage  
11 in effect on January 1, 1979, previous to the incurring of such  
12 indebtedness.

13 No school districts maintaining grades K through 12 shall  
14 become indebted in any manner or for any purpose to an amount,  
15 including existing indebtedness, in the aggregate exceeding  
16 13.8% on the value of the taxable property therein to be  
17 ascertained by the last assessment for State and county taxes  
18 or, until January 1, 1983, if greater, the sum that is produced  
19 by multiplying the school district's 1978 equalized assessed  
20 valuation by the debt limitation percentage in effect on  
21 January 1, 1979, previous to the incurring of such  
22 indebtedness.

23 No partial elementary unit district, as defined in Article  
24 11E of this Code, shall become indebted in any manner or for  
25 any purpose in an amount, including existing indebtedness, in  
26 the aggregate exceeding 6.9% of the value of the taxable

1 property of the entire district, to be ascertained by the last  
2 assessment for State and county taxes, plus an amount,  
3 including existing indebtedness, in the aggregate exceeding  
4 6.9% of the value of the taxable property of that portion of  
5 the district included in the elementary and high school  
6 classification, to be ascertained by the last assessment for  
7 State and county taxes. Moreover, no partial elementary unit  
8 district, as defined in Article 11E of this Code, shall become  
9 indebted on account of bonds issued by the district for high  
10 school purposes in the aggregate exceeding 6.9% of the value of  
11 the taxable property of the entire district, to be ascertained  
12 by the last assessment for State and county taxes, nor shall  
13 the district become indebted on account of bonds issued by the  
14 district for elementary purposes in the aggregate exceeding  
15 6.9% of the value of the taxable property for that portion of  
16 the district included in the elementary and high school  
17 classification, to be ascertained by the last assessment for  
18 State and county taxes.

19 Notwithstanding the provisions of any other law to the  
20 contrary, in any case in which the voters of a school district  
21 have approved a proposition for the issuance of bonds of such  
22 school district at an election held prior to January 1, 1979,  
23 and all of the bonds approved at such election have not been  
24 issued, the debt limitation applicable to such school district  
25 during the calendar year 1979 shall be computed by multiplying  
26 the value of taxable property therein, including personal

1 property, as ascertained by the last assessment for State and  
2 county taxes, previous to the incurring of such indebtedness,  
3 by the percentage limitation applicable to such school district  
4 under the provisions of this subsection (a).

5 (b) Notwithstanding the debt limitation prescribed in  
6 subsection (a) of this Section, additional indebtedness may be  
7 incurred in an amount not to exceed the estimated cost of  
8 acquiring or improving school sites or constructing and  
9 equipping additional building facilities under the following  
10 conditions:

11 (1) Whenever the enrollment of students for the next  
12 school year is estimated by the board of education to  
13 increase over the actual present enrollment by not less  
14 than 35% or by not less than 200 students or the actual  
15 present enrollment of students has increased over the  
16 previous school year by not less than 35% or by not less  
17 than 200 students and the board of education determines  
18 that additional school sites or building facilities are  
19 required as a result of such increase in enrollment; and

20 (2) When the Regional Superintendent of Schools having  
21 jurisdiction over the school district and the State  
22 Superintendent of Education concur in such enrollment  
23 projection or increase and approve the need for such  
24 additional school sites or building facilities and the  
25 estimated cost thereof; and

26 (3) When the voters in the school district approve a

1 proposition for the issuance of bonds for the purpose of  
2 acquiring or improving such needed school sites or  
3 constructing and equipping such needed additional building  
4 facilities at an election called and held for that purpose.  
5 Notice of such an election shall state that the amount of  
6 indebtedness proposed to be incurred would exceed the debt  
7 limitation otherwise applicable to the school district.  
8 The ballot for such proposition shall state what percentage  
9 of the equalized assessed valuation will be outstanding in  
10 bonds if the proposed issuance of bonds is approved by the  
11 voters; or

12 (4) Notwithstanding the provisions of paragraphs (1)  
13 through (3) of this subsection (b), if the school board  
14 determines that additional facilities are needed to  
15 provide a quality educational program and not less than 2/3  
16 of those voting in an election called by the school board  
17 on the question approve the issuance of bonds for the  
18 construction of such facilities, the school district may  
19 issue bonds for this purpose; or

20 (5) Notwithstanding the provisions of paragraphs (1)  
21 through (3) of this subsection (b), if (i) the school  
22 district has previously availed itself of the provisions of  
23 paragraph (4) of this subsection (b) to enable it to issue  
24 bonds, (ii) the voters of the school district have not  
25 defeated a proposition for the issuance of bonds since the  
26 referendum described in paragraph (4) of this subsection

1 (b) was held, (iii) the school board determines that  
2 additional facilities are needed to provide a quality  
3 educational program, and (iv) a majority of those voting in  
4 an election called by the school board on the question  
5 approve the issuance of bonds for the construction of such  
6 facilities, the school district may issue bonds for this  
7 purpose.

8 In no event shall the indebtedness incurred pursuant to  
9 this subsection (b) and the existing indebtedness of the school  
10 district exceed 15% of the value of the taxable property  
11 therein to be ascertained by the last assessment for State and  
12 county taxes, previous to the incurring of such indebtedness  
13 or, until January 1, 1983, if greater, the sum that is produced  
14 by multiplying the school district's 1978 equalized assessed  
15 valuation by the debt limitation percentage in effect on  
16 January 1, 1979.

17 The indebtedness provided for by this subsection (b) shall  
18 be in addition to and in excess of any other debt limitation.

19 (c) Notwithstanding the debt limitation prescribed in  
20 subsection (a) of this Section, in any case in which a public  
21 question for the issuance of bonds of a proposed school  
22 district maintaining grades kindergarten through 12 received  
23 at least 60% of the valid ballots cast on the question at an  
24 election held on or prior to November 8, 1994, and in which the  
25 bonds approved at such election have not been issued, the  
26 school district pursuant to the requirements of Section 11A-10

1 (now repealed) may issue the total amount of bonds approved at  
2 such election for the purpose stated in the question.

3 (d) Notwithstanding the debt limitation prescribed in  
4 subsection (a) of this Section, a school district that meets  
5 all the criteria set forth in paragraphs (1) and (2) of this  
6 subsection (d) may incur an additional indebtedness in an  
7 amount not to exceed \$4,500,000, even though the amount of the  
8 additional indebtedness authorized by this subsection (d),  
9 when incurred and added to the aggregate amount of indebtedness  
10 of the district existing immediately prior to the district  
11 incurring the additional indebtedness authorized by this  
12 subsection (d), causes the aggregate indebtedness of the  
13 district to exceed the debt limitation otherwise applicable to  
14 that district under subsection (a):

15 (1) The additional indebtedness authorized by this  
16 subsection (d) is incurred by the school district through  
17 the issuance of bonds under and in accordance with Section  
18 17-2.11a for the purpose of replacing a school building  
19 which, because of mine subsidence damage, has been closed  
20 as provided in paragraph (2) of this subsection (d) or  
21 through the issuance of bonds under and in accordance with  
22 Section 19-3 for the purpose of increasing the size of, or  
23 providing for additional functions in, such replacement  
24 school buildings, or both such purposes.

25 (2) The bonds issued by the school district as provided  
26 in paragraph (1) above are issued for the purposes of

1 construction by the school district of a new school  
2 building pursuant to Section 17-2.11, to replace an  
3 existing school building that, because of mine subsidence  
4 damage, is closed as of the end of the 1992-93 school year  
5 pursuant to action of the regional superintendent of  
6 schools of the educational service region in which the  
7 district is located under Section 3-14.22 or are issued for  
8 the purpose of increasing the size of, or providing for  
9 additional functions in, the new school building being  
10 constructed to replace a school building closed as the  
11 result of mine subsidence damage, or both such purposes.

12 (e) (Blank).

13 (f) Notwithstanding the provisions of subsection (a) of  
14 this Section or of any other law, bonds in not to exceed the  
15 aggregate amount of \$5,500,000 and issued by a school district  
16 meeting the following criteria shall not be considered  
17 indebtedness for purposes of any statutory limitation and may  
18 be issued in an amount or amounts, including existing  
19 indebtedness, in excess of any heretofore or hereafter imposed  
20 statutory limitation as to indebtedness:

21 (1) At the time of the sale of such bonds, the board of  
22 education of the district shall have determined by  
23 resolution that the enrollment of students in the district  
24 is projected to increase by not less than 7% during each of  
25 the next succeeding 2 school years.

26 (2) The board of education shall also determine by

1 resolution that the improvements to be financed with the  
2 proceeds of the bonds are needed because of the projected  
3 enrollment increases.

4 (3) The board of education shall also determine by  
5 resolution that the projected increases in enrollment are  
6 the result of improvements made or expected to be made to  
7 passenger rail facilities located in the school district.

8 Notwithstanding the provisions of subsection (a) of this  
9 Section or of any other law, a school district that has availed  
10 itself of the provisions of this subsection (f) prior to July  
11 22, 2004 (the effective date of Public Act 93-799) may also  
12 issue bonds approved by referendum up to an amount, including  
13 existing indebtedness, not exceeding 25% of the equalized  
14 assessed value of the taxable property in the district if all  
15 of the conditions set forth in items (1), (2), and (3) of this  
16 subsection (f) are met.

17 (g) Notwithstanding the provisions of subsection (a) of  
18 this Section or any other law, bonds in not to exceed an  
19 aggregate amount of 25% of the equalized assessed value of the  
20 taxable property of a school district and issued by a school  
21 district meeting the criteria in paragraphs (i) through (iv) of  
22 this subsection shall not be considered indebtedness for  
23 purposes of any statutory limitation and may be issued pursuant  
24 to resolution of the school board in an amount or amounts,  
25 including existing indebtedness, in excess of any statutory  
26 limitation of indebtedness heretofore or hereafter imposed:

1           (i) The bonds are issued for the purpose of  
2           constructing a new high school building to replace two  
3           adjacent existing buildings which together house a single  
4           high school, each of which is more than 65 years old, and  
5           which together are located on more than 10 acres and less  
6           than 11 acres of property.

7           (ii) At the time the resolution authorizing the  
8           issuance of the bonds is adopted, the cost of constructing  
9           a new school building to replace the existing school  
10          building is less than 60% of the cost of repairing the  
11          existing school building.

12          (iii) The sale of the bonds occurs before July 1, 1997.

13          (iv) The school district issuing the bonds is a unit  
14          school district located in a county of less than 70,000 and  
15          more than 50,000 inhabitants, which has an average daily  
16          attendance of less than 1,500 and an equalized assessed  
17          valuation of less than \$29,000,000.

18          (h) Notwithstanding any other provisions of this Section or  
19          the provisions of any other law, until January 1, 1998, a  
20          community unit school district maintaining grades K through 12  
21          may issue bonds up to an amount, including existing  
22          indebtedness, not exceeding 27.6% of the equalized assessed  
23          value of the taxable property in the district, if all of the  
24          following conditions are met:

25                 (i) The school district has an equalized assessed  
26                 valuation for calendar year 1995 of less than \$24,000,000;

1           (ii) The bonds are issued for the capital improvement,  
2           renovation, rehabilitation, or replacement of existing  
3           school buildings of the district, all of which buildings  
4           were originally constructed not less than 40 years ago;

5           (iii) The voters of the district approve a proposition  
6           for the issuance of the bonds at a referendum held after  
7           March 19, 1996; and

8           (iv) The bonds are issued pursuant to Sections 19-2  
9           through 19-7 of this Code.

10          (i) Notwithstanding any other provisions of this Section or  
11          the provisions of any other law, until January 1, 1998, a  
12          community unit school district maintaining grades K through 12  
13          may issue bonds up to an amount, including existing  
14          indebtedness, not exceeding 27% of the equalized assessed value  
15          of the taxable property in the district, if all of the  
16          following conditions are met:

17               (i) The school district has an equalized assessed  
18               valuation for calendar year 1995 of less than \$44,600,000;

19               (ii) The bonds are issued for the capital improvement,  
20               renovation, rehabilitation, or replacement of existing  
21               school buildings of the district, all of which existing  
22               buildings were originally constructed not less than 80  
23               years ago;

24               (iii) The voters of the district approve a proposition  
25               for the issuance of the bonds at a referendum held after  
26               December 31, 1996; and

1           (iv) The bonds are issued pursuant to Sections 19-2  
2           through 19-7 of this Code.

3           (j) Notwithstanding any other provisions of this Section or  
4           the provisions of any other law, until January 1, 1999, a  
5           community unit school district maintaining grades K through 12  
6           may issue bonds up to an amount, including existing  
7           indebtedness, not exceeding 27% of the equalized assessed value  
8           of the taxable property in the district if all of the following  
9           conditions are met:

10           (i) The school district has an equalized assessed  
11           valuation for calendar year 1995 of less than \$140,000,000  
12           and a best 3 months average daily attendance for the  
13           1995-96 school year of at least 2,800;

14           (ii) The bonds are issued to purchase a site and build  
15           and equip a new high school, and the school district's  
16           existing high school was originally constructed not less  
17           than 35 years prior to the sale of the bonds;

18           (iii) At the time of the sale of the bonds, the board  
19           of education determines by resolution that a new high  
20           school is needed because of projected enrollment  
21           increases;

22           (iv) At least 60% of those voting in an election held  
23           after December 31, 1996 approve a proposition for the  
24           issuance of the bonds; and

25           (v) The bonds are issued pursuant to Sections 19-2  
26           through 19-7 of this Code.

1           (k) Notwithstanding the debt limitation prescribed in  
2 subsection (a) of this Section, a school district that meets  
3 all the criteria set forth in paragraphs (1) through (4) of  
4 this subsection (k) may issue bonds to incur an additional  
5 indebtedness in an amount not to exceed \$4,000,000 even though  
6 the amount of the additional indebtedness authorized by this  
7 subsection (k), when incurred and added to the aggregate amount  
8 of indebtedness of the school district existing immediately  
9 prior to the school district incurring such additional  
10 indebtedness, causes the aggregate indebtedness of the school  
11 district to exceed or increases the amount by which the  
12 aggregate indebtedness of the district already exceeds the debt  
13 limitation otherwise applicable to that school district under  
14 subsection (a):

15           (1) the school district is located in 2 counties, and a  
16 referendum to authorize the additional indebtedness was  
17 approved by a majority of the voters of the school district  
18 voting on the proposition to authorize that indebtedness;

19           (2) the additional indebtedness is for the purpose of  
20 financing a multi-purpose room addition to the existing  
21 high school;

22           (3) the additional indebtedness, together with the  
23 existing indebtedness of the school district, shall not  
24 exceed 17.4% of the value of the taxable property in the  
25 school district, to be ascertained by the last assessment  
26 for State and county taxes; and

1           (4) the bonds evidencing the additional indebtedness  
2           are issued, if at all, within 120 days of the effective  
3           date of this amendatory Act of 1998.

4           (1) Notwithstanding any other provisions of this Section or  
5           the provisions of any other law, until January 1, 2000, a  
6           school district maintaining grades kindergarten through 8 may  
7           issue bonds up to an amount, including existing indebtedness,  
8           not exceeding 15% of the equalized assessed value of the  
9           taxable property in the district if all of the following  
10          conditions are met:

11           (i) the district has an equalized assessed valuation  
12           for calendar year 1996 of less than \$10,000,000;

13           (ii) the bonds are issued for capital improvement,  
14           renovation, rehabilitation, or replacement of one or more  
15           school buildings of the district, which buildings were  
16           originally constructed not less than 70 years ago;

17           (iii) the voters of the district approve a proposition  
18           for the issuance of the bonds at a referendum held on or  
19           after March 17, 1998; and

20           (iv) the bonds are issued pursuant to Sections 19-2  
21           through 19-7 of this Code.

22           (m) Notwithstanding any other provisions of this Section or  
23           the provisions of any other law, until January 1, 1999, an  
24           elementary school district maintaining grades K through 8 may  
25           issue bonds up to an amount, excluding existing indebtedness,  
26           not exceeding 18% of the equalized assessed value of the

1 taxable property in the district, if all of the following  
2 conditions are met:

3 (i) The school district has an equalized assessed  
4 valuation for calendar year 1995 or less than \$7,700,000;

5 (ii) The school district operates 2 elementary  
6 attendance centers that until 1976 were operated as the  
7 attendance centers of 2 separate and distinct school  
8 districts;

9 (iii) The bonds are issued for the construction of a  
10 new elementary school building to replace an existing  
11 multi-level elementary school building of the school  
12 district that is not handicapped accessible at all levels  
13 and parts of which were constructed more than 75 years ago;

14 (iv) The voters of the school district approve a  
15 proposition for the issuance of the bonds at a referendum  
16 held after July 1, 1998; and

17 (v) The bonds are issued pursuant to Sections 19-2  
18 through 19-7 of this Code.

19 (n) Notwithstanding the debt limitation prescribed in  
20 subsection (a) of this Section or any other provisions of this  
21 Section or of any other law, a school district that meets all  
22 of the criteria set forth in paragraphs (i) through (vi) of  
23 this subsection (n) may incur additional indebtedness by the  
24 issuance of bonds in an amount not exceeding the amount  
25 certified by the Capital Development Board to the school  
26 district as provided in paragraph (iii) of this subsection (n),

1 even though the amount of the additional indebtedness so  
2 authorized, when incurred and added to the aggregate amount of  
3 indebtedness of the district existing immediately prior to the  
4 district incurring the additional indebtedness authorized by  
5 this subsection (n), causes the aggregate indebtedness of the  
6 district to exceed the debt limitation otherwise applicable by  
7 law to that district:

8 (i) The school district applies to the State Board of  
9 Education for a school construction project grant and  
10 submits a district facilities plan in support of its  
11 application pursuant to Section 5-20 of the School  
12 Construction Law.

13 (ii) The school district's application and facilities  
14 plan are approved by, and the district receives a grant  
15 entitlement for a school construction project issued by,  
16 the State Board of Education under the School Construction  
17 Law.

18 (iii) The school district has exhausted its bonding  
19 capacity or the unused bonding capacity of the district is  
20 less than the amount certified by the Capital Development  
21 Board to the district under Section 5-15 of the School  
22 Construction Law as the dollar amount of the school  
23 construction project's cost that the district will be  
24 required to finance with non-grant funds in order to  
25 receive a school construction project grant under the  
26 School Construction Law.

1           (iv) The bonds are issued for a "school construction  
2 project", as that term is defined in Section 5-5 of the  
3 School Construction Law, in an amount that does not exceed  
4 the dollar amount certified, as provided in paragraph (iii)  
5 of this subsection (n), by the Capital Development Board to  
6 the school district under Section 5-15 of the School  
7 Construction Law.

8           (v) The voters of the district approve a proposition  
9 for the issuance of the bonds at a referendum held after  
10 the criteria specified in paragraphs (i) and (iii) of this  
11 subsection (n) are met.

12           (vi) The bonds are issued pursuant to Sections 19-2  
13 through 19-7 of the School Code.

14           (o) Notwithstanding any other provisions of this Section or  
15 the provisions of any other law, until November 1, 2007, a  
16 community unit school district maintaining grades K through 12  
17 may issue bonds up to an amount, including existing  
18 indebtedness, not exceeding 20% of the equalized assessed value  
19 of the taxable property in the district if all of the following  
20 conditions are met:

21           (i) the school district has an equalized assessed  
22 valuation for calendar year 2001 of at least \$737,000,000  
23 and an enrollment for the 2002-2003 school year of at least  
24 8,500;

25           (ii) the bonds are issued to purchase school sites,  
26 build and equip a new high school, build and equip a new

1 junior high school, build and equip 5 new elementary  
2 schools, and make technology and other improvements and  
3 additions to existing schools;

4 (iii) at the time of the sale of the bonds, the board  
5 of education determines by resolution that the sites and  
6 new or improved facilities are needed because of projected  
7 enrollment increases;

8 (iv) at least 57% of those voting in a general election  
9 held prior to January 1, 2003 approved a proposition for  
10 the issuance of the bonds; and

11 (v) the bonds are issued pursuant to Sections 19-2  
12 through 19-7 of this Code.

13 (p) Notwithstanding any other provisions of this Section or  
14 the provisions of any other law, a community unit school  
15 district maintaining grades K through 12 may issue bonds up to  
16 an amount, including indebtedness, not exceeding 27% of the  
17 equalized assessed value of the taxable property in the  
18 district if all of the following conditions are met:

19 (i) The school district has an equalized assessed  
20 valuation for calendar year 2001 of at least \$295,741,187  
21 and a best 3 months' average daily attendance for the  
22 2002-2003 school year of at least 2,394.

23 (ii) The bonds are issued to build and equip 3  
24 elementary school buildings; build and equip one middle  
25 school building; and alter, repair, improve, and equip all  
26 existing school buildings in the district.

1           (iii) At the time of the sale of the bonds, the board  
2           of education determines by resolution that the project is  
3           needed because of expanding growth in the school district  
4           and a projected enrollment increase.

5           (iv) The bonds are issued pursuant to Sections 19-2  
6           through 19-7 of this Code.

7           (p-5) Notwithstanding any other provisions of this Section  
8           or the provisions of any other law, bonds issued by a community  
9           unit school district maintaining grades K through 12 shall not  
10          be considered indebtedness for purposes of any statutory  
11          limitation and may be issued in an amount or amounts, including  
12          existing indebtedness, in excess of any heretofore or hereafter  
13          imposed statutory limitation as to indebtedness, if all of the  
14          following conditions are met:

15           (i) For each of the 4 most recent years, residential  
16           property comprises more than 80% of the equalized assessed  
17           valuation of the district.

18           (ii) At least 2 school buildings that were constructed  
19           40 or more years prior to the issuance of the bonds will be  
20           demolished and will be replaced by new buildings or  
21           additions to one or more existing buildings.

22           (iii) Voters of the district approve a proposition for  
23           the issuance of the bonds at a regularly scheduled  
24           election.

25           (iv) At the time of the sale of the bonds, the school  
26           board determines by resolution that the new buildings or

1 building additions are needed because of an increase in  
2 enrollment projected by the school board.

3 (v) The principal amount of the bonds, including  
4 existing indebtedness, does not exceed 25% of the equalized  
5 assessed value of the taxable property in the district.

6 (vi) The bonds are issued prior to January 1, 2007,  
7 pursuant to Sections 19-2 through 19-7 of this Code.

8 (p-10) Notwithstanding any other provisions of this  
9 Section or the provisions of any other law, bonds issued by a  
10 community consolidated school district maintaining grades K  
11 through 8 shall not be considered indebtedness for purposes of  
12 any statutory limitation and may be issued in an amount or  
13 amounts, including existing indebtedness, in excess of any  
14 heretofore or hereafter imposed statutory limitation as to  
15 indebtedness, if all of the following conditions are met:

16 (i) For each of the 4 most recent years, residential  
17 and farm property comprises more than 80% of the equalized  
18 assessed valuation of the district.

19 (ii) The bond proceeds are to be used to acquire and  
20 improve school sites and build and equip a school building.

21 (iii) Voters of the district approve a proposition for  
22 the issuance of the bonds at a regularly scheduled  
23 election.

24 (iv) At the time of the sale of the bonds, the school  
25 board determines by resolution that the school sites and  
26 building additions are needed because of an increase in

1 enrollment projected by the school board.

2 (v) The principal amount of the bonds, including  
3 existing indebtedness, does not exceed 20% of the equalized  
4 assessed value of the taxable property in the district.

5 (vi) The bonds are issued prior to January 1, 2007,  
6 pursuant to Sections 19-2 through 19-7 of this Code.

7 (p-15) In addition to all other authority to issue bonds,  
8 the Oswego Community Unit School District Number 308 may issue  
9 bonds with an aggregate principal amount not to exceed  
10 \$450,000,000, but only if all of the following conditions are  
11 met:

12 (i) The voters of the district have approved a  
13 proposition for the bond issue at the general election held  
14 on November 7, 2006.

15 (ii) At the time of the sale of the bonds, the school  
16 board determines, by resolution, that: (A) the building and  
17 equipping of the new high school building, new junior high  
18 school buildings, new elementary school buildings, early  
19 childhood building, maintenance building, transportation  
20 facility, and additions to existing school buildings, the  
21 altering, repairing, equipping, and provision of  
22 technology improvements to existing school buildings, and  
23 the acquisition and improvement of school sites, as the  
24 case may be, are required as a result of a projected  
25 increase in the enrollment of students in the district; and  
26 (B) the sale of bonds for these purposes is authorized by

1 legislation that exempts the debt incurred on the bonds  
2 from the district's statutory debt limitation.

3 (iii) The bonds are issued, in one or more bond issues,  
4 on or before November 7, 2011, but the aggregate principal  
5 amount issued in all such bond issues combined must not  
6 exceed \$450,000,000.

7 (iv) The bonds are issued in accordance with this  
8 Article 19.

9 (v) The proceeds of the bonds are used only to  
10 accomplish those projects approved by the voters at the  
11 general election held on November 7, 2006.

12 The debt incurred on any bonds issued under this subsection  
13 (p-15) shall not be considered indebtedness for purposes of any  
14 statutory debt limitation.

15 (p-20) In addition to all other authority to issue bonds,  
16 the Lincoln-Way Community High School District Number 210 may  
17 issue bonds with an aggregate principal amount not to exceed  
18 \$225,000,000, but only if all of the following conditions are  
19 met:

20 (i) The voters of the district have approved a  
21 proposition for the bond issue at the general primary  
22 election held on March 21, 2006.

23 (ii) At the time of the sale of the bonds, the school  
24 board determines, by resolution, that: (A) the building and  
25 equipping of the new high school buildings, the altering,  
26 repairing, and equipping of existing school buildings, and

1 the improvement of school sites, as the case may be, are  
2 required as a result of a projected increase in the  
3 enrollment of students in the district; and (B) the sale of  
4 bonds for these purposes is authorized by legislation that  
5 exempts the debt incurred on the bonds from the district's  
6 statutory debt limitation.

7 (iii) The bonds are issued, in one or more bond issues,  
8 on or before March 21, 2011, but the aggregate principal  
9 amount issued in all such bond issues combined must not  
10 exceed \$225,000,000.

11 (iv) The bonds are issued in accordance with this  
12 Article 19.

13 (v) The proceeds of the bonds are used only to  
14 accomplish those projects approved by the voters at the  
15 primary election held on March 21, 2006.

16 The debt incurred on any bonds issued under this subsection  
17 (p-20) shall not be considered indebtedness for purposes of any  
18 statutory debt limitation.

19 (p-25) In addition to all other authority to issue bonds,  
20 Rochester Community Unit School District 3A may issue bonds  
21 with an aggregate principal amount not to exceed \$18,500,000,  
22 but only if all of the following conditions are met:

23 (i) The voters of the district approve a proposition  
24 for the bond issuance at the general primary election held  
25 in 2008.

26 (ii) At the time of the sale of the bonds, the school

1 board determines, by resolution, that: (A) the building and  
2 equipping of a new high school building; the addition of  
3 classrooms and support facilities at the high school,  
4 middle school, and elementary school; the altering,  
5 repairing, and equipping of existing school buildings; and  
6 the improvement of school sites, as the case may be, are  
7 required as a result of a projected increase in the  
8 enrollment of students in the district; and (B) the sale of  
9 bonds for these purposes is authorized by a law that  
10 exempts the debt incurred on the bonds from the district's  
11 statutory debt limitation.

12 (iii) The bonds are issued, in one or more bond issues,  
13 on or before December 31, 2012, but the aggregate principal  
14 amount issued in all such bond issues combined must not  
15 exceed \$18,500,000.

16 (iv) The bonds are issued in accordance with this  
17 Article 19.

18 (v) The proceeds of the bonds are used to accomplish  
19 only those projects approved by the voters at the primary  
20 election held in 2008.

21 The debt incurred on any bonds issued under this subsection  
22 (p-25) shall not be considered indebtedness for purposes of any  
23 statutory debt limitation.

24 (p-30) In addition to all other authority to issue bonds,  
25 Prairie Grove Consolidated School District 46 may issue bonds  
26 with an aggregate principal amount not to exceed \$30,000,000,

1 but only if all of the following conditions are met:

2 (i) The voters of the district approve a proposition  
3 for the bond issuance at an election held in 2008.

4 (ii) At the time of the sale of the bonds, the school  
5 board determines, by resolution, that (A) the building and  
6 equipping of a new school building and additions to  
7 existing school buildings are required as a result of a  
8 projected increase in the enrollment of students in the  
9 district and (B) the altering, repairing, and equipping of  
10 existing school buildings are required because of the age  
11 of the existing school buildings.

12 (iii) The bonds are issued, in one or more bond  
13 issuances, on or before December 31, 2012; however, the  
14 aggregate principal amount issued in all such bond  
15 issuances combined must not exceed \$30,000,000.

16 (iv) The bonds are issued in accordance with this  
17 Article.

18 (v) The proceeds of the bonds are used to accomplish  
19 only those projects approved by the voters at an election  
20 held in 2008.

21 The debt incurred on any bonds issued under this subsection  
22 (p-30) shall not be considered indebtedness for purposes of any  
23 statutory debt limitation.

24 (p-35) In addition to all other authority to issue bonds,  
25 Prairie Hill Community Consolidated School District 133 may  
26 issue bonds with an aggregate principal amount not to exceed

1 \$13,900,000, but only if all of the following conditions are  
2 met:

3 (i) The voters of the district approved a proposition  
4 for the bond issuance at an election held on April 17,  
5 2007.

6 (ii) At the time of the sale of the bonds, the school  
7 board determines, by resolution, that (A) the improvement  
8 of the site of and the building and equipping of a school  
9 building are required as a result of a projected increase  
10 in the enrollment of students in the district and (B) the  
11 repairing and equipping of the Prairie Hill Elementary  
12 School building is required because of the age of that  
13 school building.

14 (iii) The bonds are issued, in one or more bond  
15 issuances, on or before December 31, 2011, but the  
16 aggregate principal amount issued in all such bond  
17 issuances combined must not exceed \$13,900,000.

18 (iv) The bonds are issued in accordance with this  
19 Article.

20 (v) The proceeds of the bonds are used to accomplish  
21 only those projects approved by the voters at an election  
22 held on April 17, 2007.

23 The debt incurred on any bonds issued under this subsection  
24 (p-35) shall not be considered indebtedness for purposes of any  
25 statutory debt limitation.

26 (p-40) In addition to all other authority to issue bonds,

1 Mascoutah Community Unit District 19 may issue bonds with an  
2 aggregate principal amount not to exceed \$55,000,000, but only  
3 if all of the following conditions are met:

4 (1) The voters of the district approve a proposition  
5 for the bond issuance at a regular election held on or  
6 after November 4, 2008.

7 (2) At the time of the sale of the bonds, the school  
8 board determines, by resolution, that (i) the building and  
9 equipping of a new high school building is required as a  
10 result of a projected increase in the enrollment of  
11 students in the district and the age and condition of the  
12 existing high school building, (ii) the existing high  
13 school building will be demolished, and (iii) the sale of  
14 bonds is authorized by statute that exempts the debt  
15 incurred on the bonds from the district's statutory debt  
16 limitation.

17 (3) The bonds are issued, in one or more bond  
18 issuances, on or before December 31, 2011, but the  
19 aggregate principal amount issued in all such bond  
20 issuances combined must not exceed \$55,000,000.

21 (4) The bonds are issued in accordance with this  
22 Article.

23 (5) The proceeds of the bonds are used to accomplish  
24 only those projects approved by the voters at a regular  
25 election held on or after November 4, 2008.

26 The debt incurred on any bonds issued under this subsection

1 (p-40) shall not be considered indebtedness for purposes of any  
2 statutory debt limitation.

3 (p-45) Notwithstanding the provisions of subsection (a) of  
4 this Section or of any other law, bonds issued pursuant to  
5 Section 19-3.5 of this Code shall not be considered  
6 indebtedness for purposes of any statutory limitation if the  
7 bonds are issued in an amount or amounts, including existing  
8 indebtedness of the school district, not in excess of 18.5% of  
9 the value of the taxable property in the district to be  
10 ascertained by the last assessment for State and county taxes.

11 (p-50) Notwithstanding the provisions of subsection (a) of  
12 this Section or of any other law, bonds issued pursuant to  
13 Section 19-3.10 of this Code shall not be considered  
14 indebtedness for purposes of any statutory limitation if the  
15 bonds are issued in an amount or amounts, including existing  
16 indebtedness of the school district, not in excess of 43% of  
17 the value of the taxable property in the district to be  
18 ascertained by the last assessment for State and county taxes.

19 (p-55) ~~(p-45)~~ In addition to all other authority to issue  
20 bonds, Belle Valley School District 119 may issue bonds with an  
21 aggregate principal amount not to exceed \$47,500,000, but only  
22 if all of the following conditions are met:

23 (1) The voters of the district approve a proposition  
24 for the bond issuance at an election held on or after April  
25 7, 2009.

26 (2) Prior to the issuance of the bonds, the school

1 board determines, by resolution, that (i) the building and  
2 equipping of a new school building is required as a result  
3 of mine subsidence in an existing school building and  
4 because of the age and condition of another existing school  
5 building and (ii) the issuance of bonds is authorized by  
6 statute that exempts the debt incurred on the bonds from  
7 the district's statutory debt limitation.

8 (3) The bonds are issued, in one or more bond  
9 issuances, on or before March 31, 2014, but the aggregate  
10 principal amount issued in all such bond issuances combined  
11 must not exceed \$47,500,000.

12 (4) The bonds are issued in accordance with this  
13 Article.

14 (5) The proceeds of the bonds are used to accomplish  
15 only those projects approved by the voters at an election  
16 held on or after April 7, 2009.

17 The debt incurred on any bonds issued under this subsection  
18 (p-55) ~~(p-45)~~ shall not be considered indebtedness for purposes  
19 of any statutory debt limitation. Bonds issued under this  
20 subsection (p-55) ~~(p-45)~~ must mature within not to exceed 30  
21 years from their date, notwithstanding any other law to the  
22 contrary.

23 (q) A school district must notify the State Board of  
24 Education prior to issuing any form of long-term or short-term  
25 debt that will result in outstanding debt that exceeds 75% of  
26 the debt limit specified in this Section or any other provision

1 of law.

2 (Source: P.A. 95-331, eff. 8-21-07; 95-594, eff. 9-10-07;  
3 95-792, eff. 1-1-09; 96-63, eff. 7-23-09; 96-273, eff. 8-11-09;  
4 96-517, eff. 8-14-09; revised 9-15-09.)

5 (105 ILCS 5/22-50)

6 Sec. 22-50. Twice-exceptional children; recommendations.  
7 The State Advisory Council on the Education of Children with  
8 Disabilities and the Advisory Council on the Education of  
9 Gifted and Talented Children shall research and discuss best  
10 practices for addressing the needs of "twice-exceptional"  
11 children, those who are gifted and talented and have a  
12 disability. The Councils shall then jointly make  
13 recommendations to the State Board of Education with respect to  
14 the State Board of Education providing guidance and technical  
15 assistance to school districts in furthering improved  
16 educational outcomes for gifted and twice-exceptional  
17 children. Recommendations shall include strategies to (i)  
18 educate teachers and other providers about the unique needs of  
19 this population, (ii) train teachers in target,  
20 research-based, identification and pedagogical methods, and  
21 (iii) establish guidelines for unique programming for  
22 twice-exceptional students.

23 (Source: P.A. 96-382, eff. 8-13-09.)

24 (105 ILCS 5/22-55)

1           Sec. 22-55 ~~22-50~~. Illinois Accessibility Task Force.

2           (a) The Illinois Accessibility Task Force is created to  
3 recommend any necessary revisions to the Illinois  
4 Accessibility Code (71 Ill. Adm. Code 400) to comply with the  
5 federal Americans with Disabilities Act of 1990 with respect to  
6 public school property.

7           (b) The task force shall consist of the following members:

8           (1) One member appointed by the President of the  
9 Senate.

10          (2) One member appointed by the Minority Leader of the  
11 Senate.

12          (3) One member appointed by the Speaker of the House of  
13 Representatives.

14          (4) One member appointed by the Minority Leader of the  
15 House of Representatives.

16          (5) The Executive Director of the Capital Development  
17 Board or his or her designee.

18          (6) The Attorney General or his or her designee.

19          (7) A representative of a statewide association  
20 representing school boards appointed by the Executive  
21 Director of the Capital Development Board.

22          (8) A representative of a statewide association  
23 representing regional superintendents of schools appointed  
24 by the Executive Director of the Capital Development Board.

25          (9) A representative of a statewide coalition of  
26 citizens with disabilities appointed by the Executive

1 Director of the Capital Development Board.

2 (c) The Capital Development Board shall provide  
3 administrative and other support to the task force.

4 (d) The task force shall report its recommendations to the  
5 Capital Development Board and the General Assembly, and upon  
6 reporting its recommendations the task force is dissolved.

7 (Source: P.A. 96-674, eff. 8-25-09; revised 9-25-09.)

8 (105 ILCS 5/24-6)

9 Sec. 24-6. Sick leave. The school boards of all school  
10 districts, including special charter districts, but not  
11 including school districts in municipalities of 500,000 or  
12 more, shall grant their full-time teachers, and also shall  
13 grant such of their other employees as are eligible to  
14 participate in the Illinois Municipal Retirement Fund under the  
15 "600-Hour Standard" established, or under such other  
16 eligibility participation standard as may from time to time be  
17 established, by rules and regulations now or hereafter  
18 promulgated by the Board of that Fund under Section 7-198 of  
19 the Illinois Pension Code, as now or hereafter amended, sick  
20 leave provisions not less in amount than 10 days at full pay in  
21 each school year. If any such teacher or employee does not use  
22 the full amount of annual leave thus allowed, the unused amount  
23 shall be allowed to accumulate to a minimum available leave of  
24 180 days at full pay, including the leave of the current year.  
25 Sick leave shall be interpreted to mean personal illness,

1 quarantine at home, serious illness or death in the immediate  
2 family or household, or birth, adoption, or placement for  
3 adoption. The school board may require a certificate from a  
4 physician licensed in Illinois to practice medicine and surgery  
5 in all its branches, a chiropractic physician licensed under  
6 the Medical Practice Act of 1987, an advanced practice nurse  
7 who has a written collaborative agreement with a collaborating  
8 physician that authorizes the advanced practice nurse to  
9 perform health examinations, a physician assistant who has been  
10 delegated the authority to perform health examinations by his  
11 or her supervising physician, or, if the treatment is by prayer  
12 or spiritual means, a spiritual adviser or practitioner of the  
13 teacher's or employee's faith as a basis for pay during leave  
14 after an absence of 3 days for personal illness or 30 days for  
15 birth or as the school board may deem necessary in other cases.  
16 If the school board does require a certificate as a basis for  
17 pay during leave of less than 3 days for personal illness, the  
18 school board shall pay, from school funds, the expenses  
19 incurred by the teachers or other employees in obtaining the  
20 certificate. For paid leave for adoption or placement for  
21 adoption, the school board may require that the teacher or  
22 other employee provide evidence that the formal adoption  
23 process is underway, and such leave is limited to 30 days  
24 unless a longer leave has been negotiated with the exclusive  
25 bargaining representative.

26 If, by reason of any change in the boundaries of school

1 districts, or by reason of the creation of a new school  
2 district, the employment of a teacher is transferred to a new  
3 or different board, the accumulated sick leave of such teacher  
4 is not thereby lost, but is transferred to such new or  
5 different district.

6 For purposes of this Section, "immediate family" shall  
7 include parents, spouse, brothers, sisters, children,  
8 grandparents, grandchildren, parents-in-law, brothers-in-law,  
9 sisters-in-law, and legal guardians.

10 (Source: P.A. 95-151, eff. 8-14-07; 96-51, eff. 7-23-09;  
11 96-367, eff. 8-13-09; revised 11-3-09.)

12 (105 ILCS 5/27A-5)

13 Sec. 27A-5. Charter school; legal entity; requirements.

14 (a) A charter school shall be a public, nonsectarian,  
15 nonreligious, non-home based, and non-profit school. A charter  
16 school shall be organized and operated as a nonprofit  
17 corporation or other discrete, legal, nonprofit entity  
18 authorized under the laws of the State of Illinois.

19 (b) A charter school may be established under this Article  
20 by creating a new school or by converting an existing public  
21 school or attendance center to charter school status. Beginning  
22 on the effective date of this amendatory Act of the 93rd  
23 General Assembly, in all new applications submitted to the  
24 State Board or a local school board to establish a charter  
25 school in a city having a population exceeding 500,000,

1 operation of the charter school shall be limited to one campus.  
2 The changes made to this Section by this amendatory Act of the  
3 93rd General Assembly do not apply to charter schools existing  
4 or approved on or before the effective date of this amendatory  
5 Act.

6 (c) A charter school shall be administered and governed by  
7 its board of directors or other governing body in the manner  
8 provided in its charter. The governing body of a charter school  
9 shall be subject to the Freedom of Information Act and the Open  
10 Meetings Act.

11 (d) A charter school shall comply with all applicable  
12 health and safety requirements applicable to public schools  
13 under the laws of the State of Illinois.

14 (e) Except as otherwise provided in the School Code, a  
15 charter school shall not charge tuition; provided that a  
16 charter school may charge reasonable fees for textbooks,  
17 instructional materials, and student activities.

18 (f) A charter school shall be responsible for the  
19 management and operation of its fiscal affairs including, but  
20 not limited to, the preparation of its budget. An audit of each  
21 charter school's finances shall be conducted annually by an  
22 outside, independent contractor retained by the charter  
23 school. Annually, by December 1, every charter school must  
24 submit to the State Board a copy of its audit and a copy of the  
25 Form 990 the charter school filed that year with the federal  
26 Internal Revenue Service.

1 (g) A charter school shall comply with all provisions of  
2 this Article, the Illinois Educational Labor Relations Act, and  
3 its charter. A charter school is exempt from all other State  
4 laws and regulations in the School Code governing public  
5 schools and local school board policies, except the following:

6 (1) Sections 10-21.9 and 34-18.5 of the School Code  
7 regarding criminal history records checks and checks of the  
8 Statewide Sex Offender Database and Statewide Child  
9 Murderer and Violent Offender Against Youth Database of  
10 applicants for employment;

11 (2) Sections 24-24 and 34-84A of the School Code  
12 regarding discipline of students;

13 (3) The Local Governmental and Governmental Employees  
14 Tort Immunity Act;

15 (4) Section 108.75 of the General Not For Profit  
16 Corporation Act of 1986 regarding indemnification of  
17 officers, directors, employees, and agents;

18 (5) The Abused and Neglected Child Reporting Act;

19 (6) The Illinois School Student Records Act;

20 (7) Section 10-17a of the School Code regarding school  
21 report cards; and

22 (8) The P-20 Longitudinal Education Data System Act.

23 The change made by Public Act 96-104 ~~this amendatory Act of~~  
24 ~~the 96th General Assembly~~ to this subsection (g) is declaratory  
25 of existing law.

26 (h) A charter school may negotiate and contract with a

1 school district, the governing body of a State college or  
2 university or public community college, or any other public or  
3 for-profit or nonprofit private entity for: (i) the use of a  
4 school building and grounds or any other real property or  
5 facilities that the charter school desires to use or convert  
6 for use as a charter school site, (ii) the operation and  
7 maintenance thereof, and (iii) the provision of any service,  
8 activity, or undertaking that the charter school is required to  
9 perform in order to carry out the terms of its charter.  
10 However, a charter school that is established on or after the  
11 effective date of this amendatory Act of the 93rd General  
12 Assembly and that operates in a city having a population  
13 exceeding 500,000 may not contract with a for-profit entity to  
14 manage or operate the school during the period that commences  
15 on the effective date of this amendatory Act of the 93rd  
16 General Assembly and concludes at the end of the 2004-2005  
17 school year. Except as provided in subsection (i) of this  
18 Section, a school district may charge a charter school  
19 reasonable rent for the use of the district's buildings,  
20 grounds, and facilities. Any services for which a charter  
21 school contracts with a school district shall be provided by  
22 the district at cost. Any services for which a charter school  
23 contracts with a local school board or with the governing body  
24 of a State college or university or public community college  
25 shall be provided by the public entity at cost.

26 (i) In no event shall a charter school that is established

1 by converting an existing school or attendance center to  
2 charter school status be required to pay rent for space that is  
3 deemed available, as negotiated and provided in the charter  
4 agreement, in school district facilities. However, all other  
5 costs for the operation and maintenance of school district  
6 facilities that are used by the charter school shall be subject  
7 to negotiation between the charter school and the local school  
8 board and shall be set forth in the charter.

9 (j) A charter school may limit student enrollment by age or  
10 grade level.

11 (Source: P.A. 96-104, eff. 1-1-10; 96-105, eff. 7-30-09;  
12 96-107, eff. 7-30-09; 96-734, eff. 8-25-09; revised 9-15-09.)

13 (105 ILCS 5/27A-8)

14 Sec. 27A-8. Evaluation of charter proposals.

15 (a) This Section does not apply to a charter school  
16 established by referendum under Section 27A-6.5. In evaluating  
17 any charter school proposal submitted to it, the local school  
18 board shall give preference to proposals that:

19 (1) demonstrate a high level of local pupil, parental,  
20 community, business, and school personnel support;

21 (2) set rigorous levels of expected pupil achievement  
22 and demonstrate feasible plans for attaining those levels  
23 of achievement; and

24 (3) are designed to enroll and serve a substantial  
25 proportion of at-risk children; provided that nothing in

1 the Charter Schools Law shall be construed as intended to  
2 limit the establishment of charter schools to those that  
3 serve a substantial portion of at-risk children or to in  
4 any manner restrict, limit, or discourage the  
5 establishment of charter schools that enroll and serve  
6 other pupil populations under a nonexclusive,  
7 nondiscriminatory admissions policy.

8 (b) In the case of a proposal to establish a charter school  
9 by converting an existing public school or attendance center to  
10 charter school status, evidence that the proposed formation of  
11 the charter school has received majority support from certified  
12 teachers and from parents and guardians in the school or  
13 attendance center affected by the proposed charter, and, if  
14 applicable, from a local school council, shall be demonstrated  
15 by a petition in support of the charter school signed by  
16 certified teachers and a petition in support of the charter  
17 school signed by parents and guardians and, if applicable, by a  
18 vote of the local school council held at a public meeting. In  
19 the case of all other proposals to establish a charter school,  
20 evidence of sufficient support to fill the number of pupil  
21 seats set forth in the proposal may be demonstrated by a  
22 petition in support of the charter school signed by parents and  
23 guardians of students eligible to attend the charter school. In  
24 all cases, the individuals, organizations, or entities who  
25 initiate the proposal to establish a charter school may elect,  
26 in lieu of including any petition referred to in this

1 subsection as a part of the proposal submitted to the local  
2 school board, to demonstrate that the charter school has  
3 received the support referred to in this subsection by other  
4 evidence and information presented at the public meeting that  
5 the local school board is required to convene under this  
6 Section.

7 (c) Within 45 days of receipt of a charter school proposal,  
8 the local school board shall convene a public meeting to obtain  
9 information to assist the board in its decision to grant or  
10 deny the charter school proposal.

11 (d) Notice of the public meeting required by this Section  
12 shall be published in a community newspaper published in the  
13 school district in which the proposed charter is located and,  
14 if there is no such newspaper, then in a newspaper published in  
15 the county and having circulation in the school district. The  
16 notices shall be published not more than 10 days nor less than  
17 5 days before the meeting and shall state that information  
18 regarding a charter school proposal will be heard at the  
19 meeting. Copies of the notice shall also be posted at  
20 appropriate locations in the school or attendance center  
21 proposed to be established as a charter school, the public  
22 schools in the school district, and the local school board  
23 office.

24 (e) Within 30 days of the public meeting, the local school  
25 board shall vote, in a public meeting, to either grant or deny  
26 the charter school proposal.

1           (f) Within 7 days of the public meeting required under  
2 subsection (e), the local school board shall file a report with  
3 the State Board granting or denying the proposal. Within 30  
4 days of receipt of the local school board's report, the State  
5 Board shall determine whether the approved charter proposal is  
6 consistent with the provisions of this Article and, if the  
7 approved proposal complies, certify the proposal pursuant to  
8 Section 27A-6; provided that for any charter proposal submitted  
9 to the State Board within one year after July 30, 2009 (the  
10 effective date of Public Act 96-105) ~~this amendatory Act of the~~  
11 ~~96th General Assembly~~, the State Board shall have 60 days from  
12 receipt to determine such consistency and certify the proposal.  
13 (Source: P.A. 96-105, eff. 7-30-09; 96-734, eff. 8-25-09;  
14 revised 9-15-09.)

15           (105 ILCS 5/34-18.37)

16           Sec. 34-18.37. Veterans' Day; moment of silence. If a  
17 school holds any type of event at the school on November 11,  
18 Veterans' Day, the board shall require a moment of silence at  
19 that event to recognize Veterans' Day.  
20 (Source: P.A. 96-84, eff. 7-27-09.)

21           (105 ILCS 5/34-18.38)

22           Sec. 34-18.38 ~~34-18.37~~. Administrator and teacher salary  
23 and benefits; report. The board shall report to the State Board  
24 of Education, on or before July 1 of each year, the base salary

1 and benefits of the general superintendent of schools or chief  
2 executive officer and all administrators and teachers employed  
3 by the school district. For the purposes of this Section,  
4 "benefits" includes without limitation vacation days, sick  
5 days, bonuses, annuities, and retirement enhancements.

6 (Source: P.A. 96-266, eff. 1-1-10; revised 9-25-09.)

7 (105 ILCS 5/34-18.39)

8 Sec. 34-18.39 ~~34-18.37~~. Radon testing.

9 (a) It is recommended that every occupied school building  
10 of the school district be tested every 5 years for radon  
11 pursuant to rules established by the Illinois Emergency  
12 Management Agency (IEMA).

13 (b) It is recommended that new schools of the school  
14 district be built using radon resistant new construction  
15 techniques, as shown in the United States Environmental  
16 Protection Agency document, Radon Prevention in the Design and  
17 Construction of Schools and Other Large Buildings.

18 (c) The school district may maintain, make available for  
19 review, and notify parents and faculty of test results under  
20 this Section. The district shall report radon test results to  
21 the State Board of Education, which shall prepare a report  
22 every 2 years of the results from all schools that have  
23 performed tests, to be submitted to the General Assembly and  
24 the Governor.

25 (d) If IEMA exempts an individual from being required to be

1 a licensed radon professional, the individual does not need to  
2 be a licensed radon professional in order to perform screening  
3 tests under this Section. The school district may elect to have  
4 one or more employees from the district attend an  
5 IEMA-approved, Internet-based training course on school  
6 testing in order to receive an exemption to conduct testing in  
7 the school district. These school district employees must  
8 perform the measurements in accordance with procedures  
9 approved by IEMA. If an exemption from IEMA is not received,  
10 the school district must use a licensed radon professional to  
11 conduct measurements.

12 (e) If the results of a radon screening test under this  
13 Section are found to be 4.0 pCi/L or above, the school district  
14 may hire a licensed radon professional to perform measurements  
15 before any mitigation decisions are made. If radon levels of  
16 4.0 pCi/L or above are found, it is recommended that affected  
17 areas be mitigated by a licensed radon mitigation professional  
18 with respect to both design and installation. IEMA may provide  
19 the school district with a list of licensed radon mitigation  
20 professionals.

21 (f) A screening test under this Section may be done with a  
22 test kit found in a hardware store, department store, or home  
23 improvement store or with a kit ordered through the mail or  
24 over the Internet. However, the kit must be provided by a  
25 laboratory licensed in accordance with the Radon Industry  
26 Licensing Act.

1 (Source: P.A. 96-417, eff. 1-1-10; revised 9-25-09.)

2 (105 ILCS 5/34-18.40)

3 Sec. 34-18.40 ~~34-18.37~~. Compliance with Chemical Safety  
4 Acts. The Board of Education must adopt a procedure to comply  
5 with the requirements of the Lawn Care Products Application and  
6 Notice Act and the Structural Pest Control Act. The  
7 superintendent must designate a staff person who is responsible  
8 for compliance with the requirements of these Acts.

9 (Source: P.A. 96-424, eff. 8-13-09; revised 9-25-09.)

10 (105 ILCS 5/34-18.41)

11 Sec. 34-18.41 ~~34-18.37~~. Salary compensation report. On or  
12 before October 1 of each year, the school district shall post  
13 on its Internet website an itemized salary compensation report  
14 for every employee in the district holding an administrative  
15 certificate and working in that capacity, including the general  
16 superintendent of schools. The salary compensation report  
17 shall include without limitation base salary, bonuses, pension  
18 contributions, retirement increases, the cost of health  
19 insurance, the cost of life insurance, paid sick and vacation  
20 day payouts, annuities, and any other form of compensation or  
21 income paid on behalf of the employee.

22 This report shall be presented at a regular board meeting,  
23 subject to applicable notice requirements. In addition, the  
24 board shall make copies of the completed report available to

1 any individual requesting them.

2 Per Section 10-20.40 of this Code, as added by Public Act  
3 95-707, the school district must post the contract that the  
4 board enters into with an exclusive bargaining representative.  
5 The board must provide the terms of that contract online.

6 (Source: P.A. 96-434, eff. 8-13-09; revised 9-25-09.)

7 (105 ILCS 5/34-18.42)

8 Sec. 34-18.42 ~~34-18.37~~. Press boxes; accessibility. The  
9 board does not have to comply with the Illinois Accessibility  
10 Code (71 Ill. Adm. Code 400) with respect to accessibility to  
11 press boxes that are on school property if the press boxes were  
12 constructed before the effective date of this amendatory Act of  
13 the 96th General Assembly.

14 (Source: P.A. 96-674, eff. 8-25-09; revised 9-25-09.)

15 Section 265. The Illinois School Student Records Act is  
16 amended by changing Section 6 as follows:

17 (105 ILCS 10/6) (from Ch. 122, par. 50-6)

18 Sec. 6. (a) No school student records or information  
19 contained therein may be released, transferred, disclosed or  
20 otherwise disseminated, except as follows:

21 (1) To a parent or student or person specifically  
22 designated as a representative by a parent, as provided in  
23 paragraph (a) of Section 5;

1           (2) To an employee or official of the school or school  
2 district or State Board with current demonstrable  
3 educational or administrative interest in the student, in  
4 furtherance of such interest;

5           (3) To the official records custodian of another school  
6 within Illinois or an official with similar  
7 responsibilities of a school outside Illinois, in which the  
8 student has enrolled, or intends to enroll, upon the  
9 request of such official or student;

10          (4) To any person for the purpose of research,  
11 statistical reporting, or planning, provided that such  
12 research, statistical reporting, or planning is  
13 permissible under and undertaken in accordance with the  
14 federal Family Educational Rights and Privacy Act (20  
15 U.S.C. 1232g);

16          (5) Pursuant to a court order, provided that the parent  
17 shall be given prompt written notice upon receipt of such  
18 order of the terms of the order, the nature and substance  
19 of the information proposed to be released in compliance  
20 with such order and an opportunity to inspect and copy the  
21 school student records and to challenge their contents  
22 pursuant to Section 7;

23          (6) To any person as specifically required by State or  
24 federal law;

25          (6.5) To juvenile authorities when necessary for the  
26 discharge of their official duties who request information

1 prior to adjudication of the student and who certify in  
2 writing that the information will not be disclosed to any  
3 other party except as provided under law or order of court.

4 For purposes of this Section "juvenile authorities" means:

5 (i) a judge of the circuit court and members of the staff  
6 of the court designated by the judge; (ii) parties to the  
7 proceedings under the Juvenile Court Act of 1987 and their  
8 attorneys; (iii) probation officers and court appointed  
9 advocates for the juvenile authorized by the judge hearing  
10 the case; (iv) any individual, public or private agency  
11 having custody of the child pursuant to court order; (v)  
12 any individual, public or private agency providing  
13 education, medical or mental health service to the child  
14 when the requested information is needed to determine the  
15 appropriate service or treatment for the minor; (vi) any  
16 potential placement provider when such release is  
17 authorized by the court for the limited purpose of  
18 determining the appropriateness of the potential  
19 placement; (vii) law enforcement officers and prosecutors;  
20 (viii) adult and juvenile prisoner review boards; (ix)  
21 authorized military personnel; (x) individuals authorized  
22 by court;

23 (7) Subject to regulations of the State Board, in  
24 connection with an emergency, to appropriate persons if the  
25 knowledge of such information is necessary to protect the  
26 health or safety of the student or other persons;

1           (8) To any person, with the prior specific dated  
2 written consent of the parent designating the person to  
3 whom the records may be released, provided that at the time  
4 any such consent is requested or obtained, the parent shall  
5 be advised in writing that he has the right to inspect and  
6 copy such records in accordance with Section 5, to  
7 challenge their contents in accordance with Section 7 and  
8 to limit any such consent to designated records or  
9 designated portions of the information contained therein;

10           (9) To a governmental agency, or social service agency  
11 contracted by a governmental agency, in furtherance of an  
12 investigation of a student's school attendance pursuant to  
13 the compulsory student attendance laws of this State,  
14 provided that the records are released to the employee or  
15 agent designated by the agency;

16           (10) To those SHOCAP committee members who fall within  
17 the meaning of "state and local officials and authorities",  
18 as those terms are used within the meaning of the federal  
19 Family Educational Rights and Privacy Act, for the purposes  
20 of identifying serious habitual juvenile offenders and  
21 matching those offenders with community resources pursuant  
22 to Section 5-145 of the Juvenile Court Act of 1987, but  
23 only to the extent that the release, transfer, disclosure,  
24 or dissemination is consistent with the Family Educational  
25 Rights and Privacy Act; ~~or~~

26           (11) To the Department of Healthcare and Family

1 Services in furtherance of the requirements of Section  
2 2-3.131, 3-14.29, 10-28, or 34-18.26 of the School Code or  
3 Section 10 of the School Breakfast and Lunch Program Act;  
4 or -

5 (12) To the State Board or another State government  
6 agency or between or among State government agencies in  
7 order to evaluate or audit federal and State programs or  
8 perform research and planning, but only to the extent that  
9 the release, transfer, disclosure, or dissemination is  
10 consistent with the federal Family Educational Rights and  
11 Privacy Act (20 U.S.C. 1232g).

12 (b) No information may be released pursuant to  
13 subparagraphs (3) or (6) of paragraph (a) of this Section 6  
14 unless the parent receives prior written notice of the nature  
15 and substance of the information proposed to be released, and  
16 an opportunity to inspect and copy such records in accordance  
17 with Section 5 and to challenge their contents in accordance  
18 with Section 7. Provided, however, that such notice shall be  
19 sufficient if published in a local newspaper of general  
20 circulation or other publication directed generally to the  
21 parents involved where the proposed release of information is  
22 pursuant to subparagraph 6 of paragraph (a) in this Section 6  
23 and relates to more than 25 students.

24 (c) A record of any release of information pursuant to this  
25 Section must be made and kept as a part of the school student  
26 record and subject to the access granted by Section 5. Such

1 record of release shall be maintained for the life of the  
2 school student records and shall be available only to the  
3 parent and the official records custodian. Each record of  
4 release shall also include:

5 (1) The nature and substance of the information  
6 released;

7 (2) The name and signature of the official records  
8 custodian releasing such information;

9 (3) The name of the person requesting such information,  
10 the capacity in which such a request has been made, and the  
11 purpose of such request;

12 (4) The date of the release; and

13 (5) A copy of any consent to such release.

14 (d) Except for the student and his parents, no person to  
15 whom information is released pursuant to this Section and no  
16 person specifically designated as a representative by a parent  
17 may permit any other person to have access to such information  
18 without a prior consent of the parent obtained in accordance  
19 with the requirements of subparagraph (8) of paragraph (a) of  
20 this Section.

21 (e) Nothing contained in this Act shall prohibit the  
22 publication of student directories which list student names,  
23 addresses and other identifying information and similar  
24 publications which comply with regulations issued by the State  
25 Board.

26 (Source: P.A. 95-331, eff. 8-21-07; 95-793, eff. 1-1-09;

1 96-107, eff. 7-30-09; revised 11-3-09.)

2 Section 270. The Interscholastic Athletic Organization Act  
3 is amended by setting forth and renumbering multiple versions  
4 of Section 1.5 as follows:

5 (105 ILCS 25/1.5)

6 Sec. 1.5. Cancer screening. An association or other entity  
7 that has as one of its purposes promoting, sponsoring,  
8 regulating, or in any manner providing for interscholastic  
9 athletics or any form of athletic competition among schools and  
10 students within this State shall include a question asking  
11 whether a student has a family history of cancer on any  
12 pre-participation examination form given to students  
13 participating or seeking to participate in interscholastic  
14 athletics. The association or entity may require that a  
15 testicular examination be conducted as a part of any physical  
16 required for a male student's participation in interscholastic  
17 athletics.

18 (Source: P.A. 96-128, eff. 1-1-10.)

19 (105 ILCS 25/2)

20 (Section scheduled to be repealed on July 1, 2011)

21 Sec. 2 ~~1.5~~. Prevention of use of performance-enhancing  
22 substances in interscholastic athletics; random testing of  
23 interscholastic athletes.

1           (a) In this Section, "association" means the Illinois High  
2 School Association.

3           (b) The association shall prohibit a student from  
4 participating in an athletic competition sponsored or  
5 sanctioned by the association unless the following conditions  
6 are met:

7           (1) the student agrees not to use any  
8 performance-enhancing substances on the association's most  
9 current banned drug classes list, and, if the student is  
10 enrolled in high school, the student submits to random  
11 testing for the presence of these substances in the  
12 student's body, in accordance with the program established  
13 under subsection (d) of this Section; and

14           (2) the association obtains from the student's parent a  
15 statement signed by the parent and acknowledging the  
16 following:

17           (A) that the parent's child, if enrolled in high  
18 school, may be subject to random performance-enhancing  
19 substance testing;

20           (B) that State law prohibits possessing,  
21 dispensing, delivering, or administering a  
22 performance-enhancing substance in a manner not  
23 allowed by State law;

24           (C) that State law provides that bodybuilding,  
25 muscle enhancement, or the increase of muscle bulk or  
26 strength through the use of a performance-enhancing

1 substance by a person who is in good health is not a  
2 valid medical purpose;

3 (D) that only a licensed practitioner with  
4 prescriptive authority may prescribe a  
5 performance-enhancing substance for a person; and

6 (E) that a violation of State law concerning  
7 performance-enhancing substances is a criminal offense  
8 punishable by confinement in jail or imprisonment.

9 (c) The association shall require that each athletic coach  
10 for an extracurricular athletic activity sponsored or  
11 sanctioned by the association at or above the 9th grade level  
12 complete an educational program on the prevention of abuse of  
13 performance-enhancing substances developed by the association.  
14 The association shall also require the person to complete an  
15 exam developed by the association showing a minimum proficiency  
16 of understanding in methods to prevent the abuse of  
17 performance-enhancing substances by students.

18 (d) The Department of Public Health shall provide oversight  
19 of the annual administration of a performance-enhancing  
20 substance testing program by the association under which high  
21 school students participating in an athletic competition  
22 sponsored or sanctioned by the association are tested at  
23 multiple times throughout the athletic season for the presence  
24 of performance-enhancing substances on the association's most  
25 current banned drug classes list in the students' bodies. The  
26 association may alter its current performance-enhancing

1 substance testing program to comply with this subsection (d).

2 The testing program must do the following:

3 (1) require the random testing of at least 1,000 high  
4 school students in this State who participate in athletic  
5 competitions sponsored or sanctioned by the association;

6 (2) provide for the selection of specific students  
7 described in subdivision (1) of this subsection (d) for  
8 testing through a process that randomly selects students  
9 from a single pool consisting of all students who  
10 participate in any activity for which the association  
11 sponsors or sanctions athletic competitions;

12 (3) be administered at approximately 25% of the high  
13 schools in this State that participate in athletic  
14 competitions sponsored or sanctioned by the association;

15 (4) provide for a process for confirming any initial  
16 positive test result through a subsequent test conducted as  
17 soon as practicable after the initial test, using a sample  
18 that was obtained at the same time as the sample used for  
19 the initial test;

20 (5) require the testing to be performed only by a  
21 performance-enhancing substance testing laboratory with  
22 current certification from the Substance Abuse and Mental  
23 Health Services Administration of the United States  
24 Department of Health and Human Services, the World  
25 Anti-Doping Agency, or another appropriate national or  
26 international-certifying organization; the testing

1 laboratory must be chosen following State procurement  
2 procedures;

3 (6) require that a trained observer, of the appropriate  
4 sex, witness the student provide the test sample;

5 (7) require that the student be chaperoned by a  
6 school-designated official from the time he or she is  
7 notified of the test until he or she has completed  
8 delivering the test sample;

9 (8) provide for a period of ineligibility from  
10 participation in an athletic competition sponsored or  
11 sanctioned by the association for any student with a  
12 confirmed positive test result or any student who refuses  
13 to submit to random testing;

14 (9) provide for a school or team penalty on a  
15 case-by-case basis, to be determined by the contribution of  
16 a student with a confirmed positive test result to the team  
17 or the school's lack of enforcement of the rules of the  
18 testing program or both;

19 (10) provide for a penalty for any coach who knowingly  
20 violates the rules of the testing program; and

21 (11) require that coaches be responsible for providing  
22 a copy of the association's most current banned drug  
23 classes list to every high school student participating in  
24 an athletic competition sponsored or sanctioned by the  
25 association.

26 The Department of Public Health may adopt rules for the

1 administration of this Section.

2 (e) Results of a performance-enhancing substance test  
3 conducted under subsection (d) of this Section are confidential  
4 and, unless required by court order, may be disclosed only to  
5 the student and the student's parent and the activity  
6 directors, principal, and assistant principals of the school  
7 attended by the student.

8 (f) The Performance-enhancing Substance Testing Fund is  
9 created as a special fund in the State treasury. All money in  
10 the Fund shall be used, subject to appropriation, by the  
11 Department of Public Health to distribute as grants to pay the  
12 costs of the performance-enhancing substance testing program  
13 established under subsection (d) of this Section. The General  
14 Assembly may appropriate additional funding for the testing  
15 program, to be distributed as grants through the Department of  
16 Public Health.

17 (g) Subdivision (1) of subsection (b) of this Section does  
18 not apply to the use by a student of a performance-enhancing  
19 substance that is dispensed, prescribed, delivered, or  
20 administered by a medical practitioner for a valid medical  
21 purpose and in the course of professional practice, and the  
22 student is not subject to a period of ineligibility under  
23 subdivision (8) of subsection (d) of this Section on the basis  
24 of that use as long as the student's coach has provided the  
25 student with a copy of the association's most current banned  
26 drug classes list, the student has consulted with his or her

1 medical practitioner to confirm the valid use of the substance,  
2 and the student has notified his or her coach or a school  
3 administrator of a prescription for the use of the substance  
4 for valid medical purposes. Students that are prescribed such a  
5 substance, after receiving a copy of the association's most  
6 current banned drug classes list, are required to provide  
7 notice of that prescription at the time the prescription is  
8 issued. Any information concerning a student's use of a  
9 performance-enhancing substance obtained by a coach or school  
10 administrator under this subsection (g) is confidential and may  
11 be disclosed only to those persons necessary to the  
12 determination of eligibility under this subsection (g).

13 (h) Neither the association nor any of its directors or  
14 employees shall be liable and no cause of action may be brought  
15 against the association or any of its directors or employees  
16 for damages in connection with the performance of the  
17 association's responsibilities under this Section, unless an  
18 act or omission involved willful or wanton conduct.

19 (i) This Section is repealed on July 1, 2011.

20 (Source: P.A. 96-132, eff. 8-7-09; revised 10-16-09.)

21 Section 275. The Asbestos Abatement Act is amended by  
22 changing Section 6 as follows:

23 (105 ILCS 105/6) (from Ch. 122, par. 1406)

24 Sec. 6. Powers and duties of the Department.

1           (a) The Department is empowered to promulgate any rules  
2 necessary to ensure proper implementation and administration  
3 of this Act and of the federal Asbestos Hazard Emergency  
4 Response Act of 1986, and the regulations promulgated  
5 thereunder.

6           (b) Rules promulgated by the Department shall include, but  
7 not be limited to:

8                 (1) all rules necessary to achieve compliance with the  
9 federal Asbestos Hazard Emergency Response Act of 1986 and  
10 the regulations promulgated thereunder;

11                 (2) rules providing for the training and licensing of  
12 persons and firms to perform asbestos inspection and air  
13 sampling; to perform abatement work; and to serve as  
14 asbestos abatement contractors, management, planners,  
15 project designers, project supervisors, project managers  
16 and asbestos workers for public and private secondary and  
17 elementary schools; and any necessary rules relating to the  
18 correct and safe performance of those tasks; and

19                 (3) rules for the development and submission of  
20 asbestos management plans by local educational agencies,  
21 and for review and approval of such plans by the  
22 Department.

23           (c) In carrying out its responsibilities under this Act,  
24 the Department shall:

25                 (1) publish a list of persons and firms licensed  
26 pursuant to this Act, except that the Department shall not

1 be required to publish a list of licensed asbestos workers;

2 ~~and~~

3 (2) require each local educational agency to maintain  
4 records of asbestos-related activities, which shall be  
5 made available to the Department upon request; and ~~and~~.

6 (3) adopt ~~(d) Adopt~~ rules for the collection of fees  
7 for training course approval; and for licensing of  
8 inspectors, management planners, project designers,  
9 contractors, supervisors, air sampling professionals,  
10 project managers and workers.

11 (Source: P.A. 96-537, eff. 8-14-09; revised 11-3-09.)

12 Section 280. The Critical Health Problems and  
13 Comprehensive Health Education Act is amended by changing  
14 Section 3 as follows:

15 (105 ILCS 110/3)

16 Sec. 3. Comprehensive Health Education Program. The  
17 program established under this Act shall include, but not be  
18 limited to, the following major educational areas as a basis  
19 for curricula in all elementary and secondary schools in this  
20 State: human ecology and health, human growth and development,  
21 the emotional, psychological, physiological, hygienic and  
22 social responsibilities of family life, including sexual  
23 abstinence until marriage, prevention and control of disease,  
24 including instruction in grades 6 through 12 on the prevention,

1 transmission and spread of AIDS, sexual assault awareness in  
2 secondary schools, public and environmental health, consumer  
3 health, safety education and disaster survival, mental health  
4 and illness, personal health habits, alcohol, drug use, and  
5 abuse including the medical and legal ramifications of alcohol,  
6 drug, and tobacco use, abuse during pregnancy, sexual  
7 abstinence until marriage, tobacco, nutrition, and dental  
8 health. The program shall also provide course material and  
9 instruction to advise pupils of the Abandoned Newborn Infant  
10 Protection Act. The program shall include information about  
11 cancer, including without limitation types of cancer, signs and  
12 symptoms, risk factors, the importance of early prevention and  
13 detection, and information on where to go for help.  
14 Notwithstanding the above educational areas, the following  
15 areas may also be included as a basis for curricula in all  
16 elementary and secondary schools in this State: basic first aid  
17 (including, but not limited to, cardiopulmonary resuscitation  
18 and the Heimlich maneuver), heart disease, diabetes, stroke,  
19 the prevention of child abuse, neglect, and suicide, and teen  
20 dating violence in grades 8 through 12.

21 The school board of each public elementary and secondary  
22 school in the State shall encourage all teachers and other  
23 school personnel to acquire, develop, and maintain the  
24 knowledge and skills necessary to properly administer  
25 life-saving techniques, including without limitation the  
26 Heimlich maneuver and rescue breathing. The training shall be

1 in accordance with standards of the American Red Cross, the  
2 American Heart Association, or another nationally recognized  
3 certifying organization. A school board may use the services of  
4 non-governmental entities whose personnel have expertise in  
5 life-saving techniques to instruct teachers and other school  
6 personnel in these techniques. Each school board is encouraged  
7 to have in its employ, or on its volunteer staff, at least one  
8 person who is certified, by the American Red Cross or by  
9 another qualified certifying agency, as qualified to  
10 administer first aid and cardiopulmonary resuscitation. In  
11 addition, each school board is authorized to allocate  
12 appropriate portions of its institute or inservice days to  
13 conduct training programs for teachers and other school  
14 personnel who have expressed an interest in becoming qualified  
15 to administer emergency first aid or cardiopulmonary  
16 resuscitation. School boards are urged to encourage their  
17 teachers and other school personnel who coach school athletic  
18 programs and other extracurricular school activities to  
19 acquire, develop, and maintain the knowledge and skills  
20 necessary to properly administer first aid and cardiopulmonary  
21 resuscitation in accordance with standards and requirements  
22 established by the American Red Cross or another qualified  
23 certifying agency. Subject to appropriation, the State Board of  
24 Education shall establish and administer a matching grant  
25 program to pay for half of the cost that a school district  
26 incurs in training those teachers and other school personnel

1 who express an interest in becoming qualified to administer  
2 cardiopulmonary resuscitation (which training must be in  
3 accordance with standards of the American Red Cross, the  
4 American Heart Association, or another nationally recognized  
5 certifying organization) or in learning how to use an automated  
6 external defibrillator. A school district that applies for a  
7 grant must demonstrate that it has funds to pay half of the  
8 cost of the training for which matching grant money is sought.  
9 The State Board of Education shall award the grants on a  
10 first-come, first-serve basis.

11 No pupil shall be required to take or participate in any  
12 class or course on AIDS or family life instruction if his  
13 parent or guardian submits written objection thereto, and  
14 refusal to take or participate in the course or program shall  
15 not be reason for suspension or expulsion of the pupil.

16 Curricula developed under programs established in  
17 accordance with this Act in the major educational area of  
18 alcohol and drug use and abuse shall include classroom  
19 instruction in grades 5 through 12. The instruction, which  
20 shall include matters relating to both the physical and legal  
21 effects and ramifications of drug and substance abuse, shall be  
22 integrated into existing curricula; and the State Board of  
23 Education shall develop and make available to all elementary  
24 and secondary schools in this State instructional materials and  
25 guidelines which will assist the schools in incorporating the  
26 instruction into their existing curricula. In addition, school

1 districts may offer, as part of existing curricula during the  
2 school day or as part of an after school program, support  
3 services and instruction for pupils or pupils whose parent,  
4 parents, or guardians are chemically dependent.

5 (Source: P.A. 95-43, eff. 1-1-08; 95-764, eff. 1-1-09; 96-128,  
6 eff. 1-1-10; 96-328, eff. 8-11-09; 96-383, eff. 1-1-10; revised  
7 9-25-09.)

8 Section 285. The School Construction Law is amended by  
9 changing Sections 5-25 and 5-30 as follows:

10 (105 ILCS 230/5-25)

11 Sec. 5-25. Eligibility and project standards.

12 (a) The State Board of Education shall establish  
13 eligibility standards for school construction project grants  
14 and debt service grants. These standards shall include minimum  
15 enrollment requirements for eligibility for school  
16 construction project grants of 200 students for elementary  
17 districts, 200 students for high school districts, and 400  
18 students for unit districts. The State Board of Education shall  
19 approve a district's eligibility for a school construction  
20 project grant or a debt service grant pursuant to the  
21 established standards.

22 For purposes only of determining a Type 40 area vocational  
23 center's eligibility for an entity included in a school  
24 construction project grant or a school maintenance project

1 grant, an area vocational center shall be deemed eligible if  
2 one or more of its member school districts satisfy the grant  
3 index criteria set forth in this Law. A Type 40 area vocational  
4 center that makes application for school construction funds  
5 after August 25, 2009 (the effective date of Public Act 96-731)  
6 ~~this amendatory Act of the 96th General Assembly~~ shall be  
7 placed on the respective application cycle list. Type 40 area  
8 vocational centers must be placed last on the priority listing  
9 of eligible entities for the applicable fiscal year.

10 (b) The Capital Development Board shall establish project  
11 standards for all school construction project grants provided  
12 pursuant to this Article. These standards shall include space  
13 and capacity standards as well as the determination of  
14 recognized project costs that shall be eligible for State  
15 financial assistance and enrichment costs that shall not be  
16 eligible for State financial assistance.

17 (c) The State Board of Education and the Capital  
18 Development Board shall not establish standards that  
19 disapprove or otherwise establish limitations that restrict  
20 the eligibility of (i) a school district with a population  
21 exceeding 500,000 for a school construction project grant based  
22 on the fact that any or all of the school construction project  
23 grant will be used to pay debt service or to make lease  
24 payments, as authorized by subsection (b) of Section 5-35 of  
25 this Law, or (ii) a school district located in whole or in part  
26 in a county that imposes a tax for school facility purposes

1 pursuant to Section 5-1006.7 of the Counties Code.  
2 (Source: P.A. 96-37, eff. 7-13-09; 96-731, eff. 8-25-09;  
3 revised 9-15-09.)

4 (105 ILCS 230/5-30)

5 Sec. 5-30. Priority of school construction projects. The  
6 State Board of Education shall develop standards for the  
7 determination of priority needs concerning school construction  
8 projects based upon approved district facilities plans. Such  
9 standards shall call for prioritization based on the degree of  
10 need and project type in the following order:

11 (1) Replacement or reconstruction of school buildings  
12 destroyed or damaged by flood, tornado, fire, earthquake,  
13 mine subsidence, or other disasters, either man-made or  
14 produced by nature;

15 (2) Projects designed to alleviate a shortage of  
16 classrooms due to population growth or to replace aging  
17 school buildings;

18 (3) Projects resulting from interdistrict  
19 reorganization of school districts contingent on local  
20 referenda;

21 (4) Replacement or reconstruction of school facilities  
22 determined to be severe and continuing health or life  
23 safety hazards;

24 (5) Alterations necessary to provide accessibility for  
25 qualified individuals with disabilities; and

1           (6) Other unique solutions to facility needs.  
2       Except for those changes absolutely necessary to comply with  
3       the changes made to subsection (c) of Section 5-25 of this Law  
4       by Public Act 96-37 ~~this amendatory Act of the 96th General~~  
5       ~~Assembly~~, the State Board of Education may not make any  
6       material changes to the standards in effect on May 18, 2004,  
7       unless the State Board of Education is specifically authorized  
8       by law.

9       (Source: P.A. 96-37, eff. 7-13-09; 96-102, eff. 7-29-09;  
10       revised 8-20-09.)

11           Section 290. The Grow Your Own Teacher Education Act is  
12       amended by changing Section 5 as follows:

13           (110 ILCS 48/5)

14           Sec. 5. Purpose. The Grow Your Own Teacher preparation  
15       programs established under this Act shall comprise a major new  
16       statewide initiative, known as the Grow Your Own Teacher  
17       Education Initiative, to prepare highly skilled, committed  
18       teachers who will teach in hard-to-staff schools, including  
19       within the Department of Juvenile Justice School District, and  
20       hard-to-staff teaching positions and who will remain in these  
21       schools for substantial periods of time.

22           The Grow Your Own Teacher Education Initiative shall  
23       effectively recruit and prepare parent and community leaders  
24       and paraeducators to become effective teachers statewide in

1 hard-to-staff schools serving a substantial percentage of  
2 low-income students and hard-to-staff teaching positions in  
3 schools serving a substantial percentage of low-income  
4 students. Further, the Initiative shall increase the diversity  
5 of teachers, including diversity based on race and ethnicity.

6 The Grow Your Own Teacher Education Initiative shall ensure  
7 educational rigor by effectively preparing candidates in  
8 accredited bachelor's degree programs in teaching, through  
9 which graduates shall meet the requirements to secure an  
10 Illinois initial teaching certificate.

11 The goal of the Grow Your Own Teacher Education Initiative  
12 is to add 1,000 teachers to low-income, hard-to-staff Illinois  
13 schools by 2016.

14 (Source: P.A. 95-476, eff. 1-1-08; 96-144, eff. 8-7-09; 96-414,  
15 eff. 1-1-10; revised 9-4-09.)

16 Section 295. The University of Illinois Act is amended by  
17 changing Section 8 and by setting forth and renumbering  
18 multiple versions of Section 45 as follows:

19 (110 ILCS 305/8) (from Ch. 144, par. 29)

20 (Text of Section before amendment by P.A. 96-843)

21 Sec. 8. Admissions.

22 (a) (Blank).

23 (b) In addition, commencing in the fall of 1993, no new  
24 student shall then or thereafter be admitted to instruction in

1 any of the departments or colleges of the University unless  
2 such student also has satisfactorily completed:

3 (1) at least 15 units of high school coursework from  
4 the following 5 categories:

5 (A) 4 years of English (emphasizing written and  
6 oral communications and literature), of which up to 2  
7 years may be collegiate level instruction;

8 (B) 3 years of social studies (emphasizing history  
9 and government);

10 (C) 3 years of mathematics (introductory through  
11 advanced algebra, geometry, trigonometry, or  
12 fundamentals of computer programming);

13 (D) 3 years of science (laboratory sciences); and

14 (E) 2 years of electives in foreign language,  
15 music, vocational education or art;

16 (2) except that institutions may admit individual  
17 applicants if the institution determines through  
18 assessment or through evaluation based on learning  
19 outcomes of the coursework taken, including vocational  
20 education courses and courses taken in a charter school  
21 established under Article 27A of the School Code, that the  
22 applicant demonstrates knowledge and skills substantially  
23 equivalent to the knowledge and skills expected to be  
24 acquired in the high school courses required for admission.  
25 The Board of Trustees of the University of Illinois shall  
26 not discriminate in the University's admissions process

1           against an applicant for admission because of the  
2           applicant's enrollment in a charter school established  
3           under Article 27A of the School Code. Institutions may also  
4           admit 1) applicants who did not have an opportunity to  
5           complete the minimum college preparatory curriculum in  
6           high school, and 2) educationally disadvantaged applicants  
7           who are admitted to the formal organized special assistance  
8           programs that are tailored to the needs of such students,  
9           providing that in either case, the institution  
10          incorporates in the applicant's baccalaureate curriculum  
11          courses or other academic activities that compensate for  
12          course deficiencies; and

13                 (3) except that up to 3 of the 15 units of coursework  
14                 required by paragraph (1) of this subsection may be  
15                 distributed by deducting no more than one unit each from  
16                 the categories of social studies, mathematics, sciences  
17                 and electives and completing those 3 units in any of the 5  
18                 categories of coursework described in paragraph (1).

19                 (c) When allocating funds, local boards of education shall  
20                 recognize their obligation to their students to offer the  
21                 coursework required by subsection (b).

22                 (d) A student who has graduated from high school and has  
23                 scored within the University's accepted range on the ACT or SAT  
24                 shall not be required to take the high school level General  
25                 Educational Development (GED) Test as a prerequisite to  
26                 admission.

1 (Source: P.A. 96-203, eff. 8-10-09.)

2 (Text of Section after amendment by P.A. 96-843)

3 Sec. 8. Admissions.

4 (a) (Blank).

5 (b) In addition, commencing in the fall of 1993, no new  
6 student shall then or thereafter be admitted to instruction in  
7 any of the departments or colleges of the University unless  
8 such student also has satisfactorily completed:

9 (1) at least 15 units of high school coursework from  
10 the following 5 categories:

11 (A) 4 years of English (emphasizing written and  
12 oral communications and literature), of which up to 2  
13 years may be collegiate level instruction;

14 (B) 3 years of social studies (emphasizing history  
15 and government);

16 (C) 3 years of mathematics (introductory through  
17 advanced algebra, geometry, trigonometry, or  
18 fundamentals of computer programming);

19 (D) 3 years of science (laboratory sciences); and

20 (E) 2 years of electives in foreign language  
21 (which may be deemed to include American Sign  
22 Language), music, vocational education or art;

23 (2) except that institutions may admit individual  
24 applicants if the institution determines through  
25 assessment or through evaluation based on learning

1 outcomes of the coursework taken, including vocational  
2 education courses and courses taken in a charter school  
3 established under Article 27A of the School Code, that the  
4 applicant demonstrates knowledge and skills substantially  
5 equivalent to the knowledge and skills expected to be  
6 acquired in the high school courses required for admission.  
7 The Board of Trustees of the University of Illinois shall  
8 not discriminate in the University's admissions process  
9 against an applicant for admission because of the  
10 applicant's enrollment in a charter school established  
11 under Article 27A of the School Code. Institutions may also  
12 admit 1) applicants who did not have an opportunity to  
13 complete the minimum college preparatory curriculum in  
14 high school, and 2) educationally disadvantaged applicants  
15 who are admitted to the formal organized special assistance  
16 programs that are tailored to the needs of such students,  
17 providing that in either case, the institution  
18 incorporates in the applicant's baccalaureate curriculum  
19 courses or other academic activities that compensate for  
20 course deficiencies; and

21 (3) except that up to 3 of the 15 units of coursework  
22 required by paragraph (1) of this subsection may be  
23 distributed by deducting no more than one unit each from  
24 the categories of social studies, mathematics, sciences  
25 and electives and completing those 3 units in any of the 5  
26 categories of coursework described in paragraph (1).

1 (c) When allocating funds, local boards of education shall  
2 recognize their obligation to their students to offer the  
3 coursework required by subsection (b).

4 (d) A student who has graduated from high school and has  
5 scored within the University's accepted range on the ACT or SAT  
6 shall not be required to take the high school level General  
7 Educational Development (GED) Test as a prerequisite to  
8 admission.

9 (Source: P.A. 96-203, eff. 8-10-09; 96-843, eff. 6-1-10;  
10 revised 1-9-10.)

11 (110 ILCS 305/45)

12 Sec. 45. Buildings available for emergency purposes. The  
13 Board of Trustees shall make mutually agreed buildings of the  
14 university available for emergency purposes, upon the request  
15 of the Illinois Emergency Management Agency, the  
16 State-accredited emergency management agency with  
17 jurisdiction, or the American Red Cross, and cooperate in all  
18 matters with the Illinois Emergency Management Agency, local  
19 emergency management agencies, State-certified, local public  
20 health departments, the American Red Cross, and federal  
21 agencies concerned with emergency preparedness and response.

22 (Source: P.A. 96-57, eff. 7-23-09.)

23 (110 ILCS 305/50)

24 Sec. 50 ~~45~~. Veterans' Day; moment of silence. If the

1 University holds any type of event at the University on  
2 November 11, Veterans' Day, the Board of Trustees shall require  
3 a moment of silence at that event to recognize Veterans' Day.

4 (Source: P.A. 96-84, eff. 7-27-09; revised 9-15-09.)

5 (110 ILCS 305/55)

6 Sec. 55 ~~45~~. Faculty and staff contact with public  
7 officials. All faculty and staff members of the University are  
8 free to communicate their views on any matter of private or  
9 public concern to any member of the legislative, executive, or  
10 judicial branch of government, State or federal, without notice  
11 to or prior approval of the University, so long as they do not  
12 represent that they are speaking for or on behalf of the  
13 University.

14 (Source: P.A. 96-147, eff. 8-7-09; revised 9-15-09.)

15 (110 ILCS 305/60)

16 Sec. 60 ~~45~~. Faculty and staff political displays. The  
17 University may not prohibit any faculty or staff member from  
18 (i) displaying political buttons, stickers, or patches while on  
19 University property, provided that such display by any member  
20 of the faculty in an instructional setting is for a purpose  
21 relevant to the subject of instruction; (ii) attending a  
22 partisan political rally, provided that the employee is not on  
23 duty; or (iii) displaying a partisan bumper sticker on his or  
24 her motor vehicle.

1 (Source: P.A. 96-148, eff. 8-7-09; revised 9-15-09.)

2 (110 ILCS 305/65)

3 Sec. 65 ~~45~~. Disability history and awareness. The  
4 University may conduct and promote activities that provide  
5 education on, awareness of, and an understanding of disability  
6 history, people with disabilities, and the disability rights  
7 movement.

8 (Source: P.A. 96-191, eff. 1-1-10; revised 9-15-09.)

9 (110 ILCS 305/70)

10 Sec. 70 ~~45~~. Administrator and faculty salary and benefits;  
11 report. The Board of Trustees shall report to the Board of  
12 Higher Education, on or before July 1 of each year, the base  
13 salary and benefits of the president of the university and all  
14 administrators, faculty members, and instructors employed by  
15 the university. For the purposes of this Section, "benefits"  
16 includes without limitation vacation days, sick days, bonuses,  
17 annuities, and retirement enhancements.

18 (Source: P.A. 96-266, eff. 1-1-10; revised 9-15-09.)

19 Section 300. The University of Illinois Hospital Act is  
20 amended by setting forth and renumbering multiple versions of  
21 Section 8 as follows:

1 (110 ILCS 330/8)

2 Sec. 8. Immunization against influenza virus and  
3 pneumococcal disease. The University of Illinois Hospital  
4 shall adopt an influenza and pneumococcal immunization policy  
5 that includes, but need not be limited to, the following:

6 (1) Procedures for identifying patients age 65 or older  
7 and, at the discretion of the facility, other patients at  
8 risk.

9 (2) Procedures for offering immunization against  
10 influenza virus when available between September 1 and  
11 April 1, and against pneumococcal disease upon admission or  
12 discharge, to patients age 65 or older, unless  
13 contraindicated.

14 (3) Procedures for ensuring that patients offered  
15 immunization, or their guardians, receive information  
16 regarding the risks and benefits of vaccination.

17 The hospital shall provide a copy of its influenza and  
18 pneumococcal immunization policy to the Illinois Department of  
19 Public Health upon request.

20 (Source: P.A. 96-343, eff. 8-11-09.)

21 (110 ILCS 330/9)

22 Sec. 9 ~~8~~. Safe patient handling policy. The University of  
23 Illinois Hospital shall cause each of the facilities under its  
24 jurisdiction that provide in-patient care to comply with  
25 Section 6.25 of the Hospital Licensing Act.

1 (Source: P.A. 96-389, eff. 1-1-10; revised 10-22-09.)

2 Section 305. The Southern Illinois University Management  
3 Act is amended by changing Section 8e and by setting forth and  
4 renumbering multiple versions of Section 30 as follows:

5 (110 ILCS 520/8e) (from Ch. 144, par. 658e)

6 (Text of Section before amendment by P.A. 96-843)

7 Sec. 8e. Admissions.

8 (a) Commencing in the fall of 1993, no new student shall  
9 then or thereafter be admitted to instruction in any of the  
10 departments or colleges of the University unless such student  
11 also has satisfactorily completed:

12 (1) at least 15 units of high school coursework from  
13 the following 5 categories:

14 (A) 4 years of English (emphasizing written and  
15 oral communications and literature), of which up to 2  
16 years may be collegiate level instruction;

17 (B) 3 years of social studies (emphasizing history  
18 and government);

19 (C) 3 years of mathematics (introductory through  
20 advanced algebra, geometry, trigonometry, or  
21 fundamentals of computer programming);

22 (D) 3 years of science (laboratory sciences); and

23 (E) 2 years of electives in foreign language,  
24 music, vocational education or art;

1           (2) except that institutions may admit individual  
2 applicants if the institution determines through  
3 assessment or through evaluation based on learning  
4 outcomes of the coursework taken, including vocational  
5 education courses and courses taken in a charter school  
6 established under Article 27A of the School Code, that the  
7 applicant demonstrates knowledge and skills substantially  
8 equivalent to the knowledge and skills expected to be  
9 acquired in the high school courses required for admission.  
10 The Board of Trustees of Southern Illinois University shall  
11 not discriminate in the University's admissions process  
12 against an applicant for admission because of the  
13 applicant's enrollment in a charter school established  
14 under Article 27A of the School Code. Institutions may also  
15 admit 1) applicants who did not have an opportunity to  
16 complete the minimum college preparatory curriculum in  
17 high school, and 2) educationally disadvantaged applicants  
18 who are admitted to the formal organized special assistance  
19 programs that are tailored to the needs of such students,  
20 providing that in either case, the institution  
21 incorporates in the applicant's baccalaureate curriculum  
22 courses or other academic activities that compensate for  
23 course deficiencies; and

24           (3) except that up to 3 of 15 units of coursework  
25 required by paragraph (1) of this subsection may be  
26 distributed by deducting no more than one unit each from

1 the categories of social studies, mathematics, sciences  
2 and electives and completing those 3 units in any of the 5  
3 categories of coursework described in paragraph (1).

4 (b) When allocating funds, local boards of education shall  
5 recognize their obligation to their students to offer the  
6 coursework required by subsection (a).

7 (c) A student who has graduated from high school and has  
8 scored within the University's accepted range on the ACT or SAT  
9 shall not be required to take the high school level General  
10 Educational Development (GED) Test as a prerequisite to  
11 admission.

12 (Source: P.A. 91-374, eff. 7-30-99.)

13 (Text of Section after amendment by P.A. 96-843)

14 Sec. 8e. Admissions.

15 (a) Commencing in the fall of 1993, no new student shall  
16 then or thereafter be admitted to instruction in any of the  
17 departments or colleges of the University unless such student  
18 also has satisfactorily completed:

19 (1) at least 15 units of high school coursework from  
20 the following 5 categories:

21 (A) 4 years of English (emphasizing written and  
22 oral communications and literature), of which up to 2  
23 years may be collegiate level instruction;

24 (B) 3 years of social studies (emphasizing history  
25 and government);

1 (C) 3 years of mathematics (introductory through  
2 advanced algebra, geometry, trigonometry, or  
3 fundamentals of computer programming);

4 (D) 3 years of science (laboratory sciences); and

5 (E) 2 years of electives in foreign language  
6 ~~(which~~ which may be deemed to include American Sign  
7 Language), music, vocational education or art;

8 (2) except that institutions may admit individual  
9 applicants if the institution determines through  
10 assessment or through evaluation based on learning  
11 outcomes of the coursework taken, including vocational  
12 education courses and courses taken in a charter school  
13 established under Article 27A of the School Code, that the  
14 applicant demonstrates knowledge and skills substantially  
15 equivalent to the knowledge and skills expected to be  
16 acquired in the high school courses required for admission.  
17 The Board of Trustees of Southern Illinois University shall  
18 not discriminate in the University's admissions process  
19 against an applicant for admission because of the  
20 applicant's enrollment in a charter school established  
21 under Article 27A of the School Code. Institutions may also  
22 admit 1) applicants who did not have an opportunity to  
23 complete the minimum college preparatory curriculum in  
24 high school, and 2) educationally disadvantaged applicants  
25 who are admitted to the formal organized special assistance  
26 programs that are tailored to the needs of such students,

1 providing that in either case, the institution  
2 incorporates in the applicant's baccalaureate curriculum  
3 courses or other academic activities that compensate for  
4 course deficiencies; and

5 (3) except that up to 3 of 15 units of coursework  
6 required by paragraph (1) of this subsection may be  
7 distributed by deducting no more than one unit each from  
8 the categories of social studies, mathematics, sciences  
9 and electives and completing those 3 units in any of the 5  
10 categories of coursework described in paragraph (1).

11 (b) When allocating funds, local boards of education shall  
12 recognize their obligation to their students to offer the  
13 coursework required by subsection (a).

14 (c) A student who has graduated from high school and has  
15 scored within the University's accepted range on the ACT or SAT  
16 shall not be required to take the high school level General  
17 Educational Development (GED) Test as a prerequisite to  
18 admission.

19 (Source: P.A. 96-843, eff. 6-1-10; revised 1-7-10.)

20 (110 ILCS 520/30)

21 Sec. 30. Buildings available for emergency purposes. The  
22 Board shall make mutually agreed buildings of the university  
23 available for emergency purposes, upon the request of the  
24 Illinois Emergency Management Agency, the State-accredited  
25 emergency management agency with jurisdiction, or the American

1 Red Cross, and cooperate in all matters with the Illinois  
2 Emergency Management Agency, local emergency management  
3 agencies, State-certified, local public health departments,  
4 the American Red Cross, and federal agencies concerned with  
5 emergency preparedness and response.

6 (Source: P.A. 96-57, eff. 7-23-09.)

7 (110 ILCS 520/35)

8 Sec. 35 ~~30~~. Veterans' Day; moment of silence. If the  
9 University holds any type of event at the University on  
10 November 11, Veterans' Day, the Board shall require a moment of  
11 silence at that event to recognize Veterans' Day.

12 (Source: P.A. 96-84, eff. 7-27-09; revised 9-15-09.)

13 (110 ILCS 520/40)

14 Sec. 40 ~~30~~. Faculty and staff contact with public  
15 officials. All faculty and staff members of the University are  
16 free to communicate their views on any matter of private or  
17 public concern to any member of the legislative, executive, or  
18 judicial branch of government, State or federal, without notice  
19 to or prior approval of the University, so long as they do not  
20 represent that they are speaking for or on behalf of the  
21 University.

22 (Source: P.A. 96-147, eff. 8-7-09; revised 9-15-09.)

23 (110 ILCS 520/45)

1           Sec. 45 ~~30~~. Faculty and staff political displays. The  
2 University may not prohibit any faculty or staff member from  
3 (i) displaying political buttons, stickers, or patches while on  
4 University property, provided that such display by any member  
5 of the faculty in an instructional setting is for a purpose  
6 relevant to the subject of instruction; (ii) attending a  
7 partisan political rally, provided that the employee is not on  
8 duty; or (iii) displaying a partisan bumper sticker on his or  
9 her motor vehicle.

10       (Source: P.A. 96-148, eff. 8-7-09; revised 9-15-09.)

11           (110 ILCS 520/50)

12           Sec. 50 ~~30~~. Disability history and awareness. The  
13 University may conduct and promote activities that provide  
14 education on, awareness of, and an understanding of disability  
15 history, people with disabilities, and the disability rights  
16 movement.

17       (Source: P.A. 96-191, eff. 1-1-10; revised 9-15-09.)

18           (110 ILCS 520/55)

19           Sec. 55 ~~30~~. Administrator and faculty salary and benefits;  
20 report. The Board of Trustees shall report to the Board of  
21 Higher Education, on or before July 1 of each year, the base  
22 salary and benefits of the president of the university and all  
23 administrators, faculty members, and instructors employed by  
24 the university. For the purposes of this Section, "benefits"

1 includes without limitation vacation days, sick days, bonuses,  
2 annuities, and retirement enhancements.

3 (Source: P.A. 96-266, eff. 1-1-10; revised 9-15-09.)

4 Section 310. The Chicago State University Law is amended by  
5 changing Section 5-85 and by setting forth and renumbering  
6 multiple versions of Section 5-140 as follows:

7 (110 ILCS 660/5-85)

8 (Text of Section before amendment by P.A. 96-843)

9 Sec. 5-85. Admission requirements.

10 (a) No new student shall be admitted to instruction in any  
11 of the departments or colleges of the Chicago State University  
12 unless such student also has satisfactorily completed:

13 (1) at least 15 units of high school coursework from  
14 the following 5 categories:

15 (A) 4 years of English (emphasizing written and  
16 oral communications and literature), of which up to 2  
17 years may be collegiate level instruction;

18 (B) 3 years of social studies (emphasizing history  
19 and government);

20 (C) 3 years of mathematics (introductory through  
21 advanced algebra, geometry, trigonometry, or  
22 fundamentals of computer programming);

23 (D) 3 years of science (laboratory sciences); and

24 (E) 2 years of electives in foreign language,

1 music, vocational education or art;

2 (2) except that Chicago State University may admit  
3 individual applicants if it determines through assessment  
4 or through evaluation based on learning outcomes of the  
5 coursework taken, including vocational education courses  
6 and courses taken in a charter school established under  
7 Article 27A of the School Code, that the applicant  
8 demonstrates knowledge and skills substantially equivalent  
9 to the knowledge and skills expected to be acquired in the  
10 high school courses required for admission. The Board of  
11 Trustees of Chicago State University shall not  
12 discriminate in the University's admissions process  
13 against an applicant for admission because of the  
14 applicant's enrollment in a charter school established  
15 under Article 27A of the School Code. Chicago State  
16 University may also admit (i) applicants who did not have  
17 an opportunity to complete the minimum college preparatory  
18 curriculum in high school, and (ii) educationally  
19 disadvantaged applicants who are admitted to the formal  
20 organized special assistance programs that are tailored to  
21 the needs of such students, providing that in either case,  
22 the institution incorporates in the applicant's  
23 baccalaureate curriculum courses or other academic  
24 activities that compensate for course deficiencies; and

25 (3) except that up to 3 of 15 units of coursework  
26 required by paragraph (1) of this subsection may be

1 distributed by deducting no more than one unit each from  
2 the categories of social studies, mathematics, sciences  
3 and electives and completing those 3 units in any of the 5  
4 categories of coursework described in paragraph (1).

5 (b) When allocating funds, local boards of education shall  
6 recognize their obligation to their students to offer the  
7 coursework required by subsection (a).

8 (c) A student who has graduated from high school and has  
9 scored within the University's accepted range on the ACT or SAT  
10 shall not be required to take the high school level General  
11 Educational Development (GED) Test as a prerequisite to  
12 admission.

13 (Source: P.A. 91-374, eff. 7-30-99.)

14 (Text of Section after amendment by P.A. 96-843)

15 Sec. 5-85. Admission requirements.

16 (a) No new student shall be admitted to instruction in any  
17 of the departments or colleges of the Chicago State University  
18 unless such student also has satisfactorily completed:

19 (1) at least 15 units of high school coursework from  
20 the following 5 categories:

21 (A) 4 years of English (emphasizing written and  
22 oral communications and literature), of which up to 2  
23 years may be collegiate level instruction;

24 (B) 3 years of social studies (emphasizing history  
25 and government);

1 (C) 3 years of mathematics (introductory through  
2 advanced algebra, geometry, trigonometry, or  
3 fundamentals of computer programming);

4 (D) 3 years of science (laboratory sciences); and

5 (E) 2 years of electives in foreign language  
6 ~~(which~~ may be deemed to include American Sign  
7 Language), music, vocational education or art;

8 (2) except that Chicago State University may admit  
9 individual applicants if it determines through assessment  
10 or through evaluation based on learning outcomes of the  
11 coursework taken, including vocational education courses  
12 and courses taken in a charter school established under  
13 Article 27A of the School Code, that the applicant  
14 demonstrates knowledge and skills substantially equivalent  
15 to the knowledge and skills expected to be acquired in the  
16 high school courses required for admission. The Board of  
17 Trustees of Chicago State University shall not  
18 discriminate in the University's admissions process  
19 against an applicant for admission because of the  
20 applicant's enrollment in a charter school established  
21 under Article 27A of the School Code. Chicago State  
22 University may also admit (i) applicants who did not have  
23 an opportunity to complete the minimum college preparatory  
24 curriculum in high school, and (ii) educationally  
25 disadvantaged applicants who are admitted to the formal  
26 organized special assistance programs that are tailored to

1 the needs of such students, providing that in either case,  
2 the institution incorporates in the applicant's  
3 baccalaureate curriculum courses or other academic  
4 activities that compensate for course deficiencies; and

5 (3) except that up to 3 of 15 units of coursework  
6 required by paragraph (1) of this subsection may be  
7 distributed by deducting no more than one unit each from  
8 the categories of social studies, mathematics, sciences  
9 and electives and completing those 3 units in any of the 5  
10 categories of coursework described in paragraph (1).

11 (b) When allocating funds, local boards of education shall  
12 recognize their obligation to their students to offer the  
13 coursework required by subsection (a).

14 (c) A student who has graduated from high school and has  
15 scored within the University's accepted range on the ACT or SAT  
16 shall not be required to take the high school level General  
17 Educational Development (GED) Test as a prerequisite to  
18 admission.

19 (Source: P.A. 96-843, eff. 6-1-10; revised 1-7-10.)

20 (110 ILCS 660/5-140)

21 Sec. 5-140. Buildings available for emergency purposes.  
22 The Board shall make mutually agreed buildings of the  
23 university available for emergency purposes, upon the request  
24 of the Illinois Emergency Management Agency, the  
25 State-accredited emergency management agency with

1 jurisdiction, or the American Red Cross, and cooperate in all  
2 matters with the Illinois Emergency Management Agency, local  
3 emergency management agencies, State-certified, local public  
4 health departments, the American Red Cross, and federal  
5 agencies concerned with emergency preparedness and response.

6 (Source: P.A. 96-57, eff. 7-23-09.)

7 (110 ILCS 660/5-145)

8 Sec. 5-145 ~~5-140~~. Veterans' Day; moment of silence. If the  
9 University holds any type of event at the University on  
10 November 11, Veterans' Day, the Board shall require a moment of  
11 silence at that event to recognize Veterans' Day.

12 (Source: P.A. 96-84, eff. 7-27-09; revised 10-22-09.)

13 (110 ILCS 660/5-150)

14 Sec. 5-150 ~~5-140~~. Faculty and staff contact with public  
15 officials. All faculty and staff members of the University are  
16 free to communicate their views on any matter of private or  
17 public concern to any member of the legislative, executive, or  
18 judicial branch of government, State or federal, without notice  
19 to or prior approval of the University, so long as they do not  
20 represent that they are speaking for or on behalf of the  
21 University.

22 (Source: P.A. 96-147, eff. 8-7-09; revised 10-22-09.)

23 (110 ILCS 660/5-155)

1           Sec. 5-155 ~~5-140~~. Faculty and staff political displays. The  
2 University may not prohibit any faculty or staff member from  
3 (i) displaying political buttons, stickers, or patches while on  
4 University property, provided that such display by any member  
5 of the faculty in an instructional setting is for a purpose  
6 relevant to the subject of instruction; (ii) attending a  
7 partisan political rally, provided that the employee is not on  
8 duty; or (iii) displaying a partisan bumper sticker on his or  
9 her motor vehicle.

10       (Source: P.A. 96-148, eff. 8-7-09; revised 10-22-09.)

11           (110 ILCS 660/5-160)

12           Sec. 5-160 ~~5-140~~. Disability history and awareness. The  
13 University may conduct and promote activities that provide  
14 education on, awareness of, and an understanding of disability  
15 history, people with disabilities, and the disability rights  
16 movement.

17       (Source: P.A. 96-191, eff. 1-1-10; revised 10-22-09.)

18           (110 ILCS 660/5-165)

19           Sec. 5-165 ~~5-140~~. Administrator and faculty salary and  
20 benefits; report. The Board of Trustees shall report to the  
21 Board of Higher Education, on or before July 1 of each year,  
22 the base salary and benefits of the president of the university  
23 and all administrators, faculty members, and instructors  
24 employed by the university. For the purposes of this Section,

1 "benefits" includes without limitation vacation days, sick  
2 days, bonuses, annuities, and retirement enhancements.

3 (Source: P.A. 96-266, eff. 1-1-10; revised 10-22-09.)

4 Section 315. The Eastern Illinois University Law is amended  
5 by changing Section 10-85 and by setting forth and renumbering  
6 multiple versions of Section 10-140 as follows:

7 (110 ILCS 665/10-85)

8 (Text of Section before amendment by P.A. 96-843)

9 Sec. 10-85. Admission requirements.

10 (a) No new student shall be admitted to instruction in any  
11 of the departments or colleges of the Eastern Illinois  
12 University unless such student also has satisfactorily  
13 completed:

14 (1) at least 15 units of high school coursework from  
15 the following 5 categories:

16 (A) 4 years of English (emphasizing written and  
17 oral communications and literature), of which up to 2  
18 years may be collegiate level instruction;

19 (B) 3 years of social studies (emphasizing history  
20 and government);

21 (C) 3 years of mathematics (introductory through  
22 advanced algebra, geometry, trigonometry, or  
23 fundamentals of computer programming);

24 (D) 3 years of science (laboratory sciences); and

1           (E) 2 years of electives in foreign language,  
2           music, vocational education or art;

3           (2) except that Eastern Illinois University may admit  
4           individual applicants if it determines through assessment  
5           or through evaluation based on learning outcomes of the  
6           coursework taken, including vocational education courses  
7           and courses taken in a charter school established under  
8           Article 27A of the School Code, that the applicant  
9           demonstrates knowledge and skills substantially equivalent  
10          to the knowledge and skills expected to be acquired in the  
11          high school courses required for admission. The Board of  
12          Trustees of Eastern Illinois University shall not  
13          discriminate in the University's admissions process  
14          against an applicant for admission because of the  
15          applicant's enrollment in a charter school established  
16          under Article 27A of the School Code. Eastern Illinois  
17          University may also admit (i) applicants who did not have  
18          an opportunity to complete the minimum college preparatory  
19          curriculum in high school, and (ii) educationally  
20          disadvantaged applicants who are admitted to the formal  
21          organized special assistance programs that are tailored to  
22          the needs of such students, providing that in either case,  
23          the institution incorporates in the applicant's  
24          baccalaureate curriculum courses or other academic  
25          activities that compensate for course deficiencies; and

26          (3) except that up to 3 of 15 units of coursework

1 required by paragraph (1) of this subsection may be  
2 distributed by deducting no more than one unit each from  
3 the categories of social studies, mathematics, sciences  
4 and electives and completing those 3 units in any of the 5  
5 categories of coursework described in paragraph (1).

6 (b) When allocating funds, local boards of education shall  
7 recognize their obligation to their students to offer the  
8 coursework required by subsection (a).

9 (c) A student who has graduated from high school and has  
10 scored within the University's accepted range on the ACT or SAT  
11 shall not be required to take the high school level General  
12 Educational Development (GED) Test as a prerequisite to  
13 admission.

14 (Source: P.A. 91-374, eff. 7-30-99.)

15 (Text of Section after amendment by P.A. 96-843)

16 Sec. 10-85. Admission requirements.

17 (a) No new student shall be admitted to instruction in any  
18 of the departments or colleges of the Eastern Illinois  
19 University unless such student also has satisfactorily  
20 completed:

21 (1) at least 15 units of high school coursework from  
22 the following 5 categories:

23 (A) 4 years of English (emphasizing written and  
24 oral communications and literature), of which up to 2  
25 years may be collegiate level instruction;

1 (B) 3 years of social studies (emphasizing history  
2 and government);

3 (C) 3 years of mathematics (introductory through  
4 advanced algebra, geometry, trigonometry, or  
5 fundamentals of computer programming);

6 (D) 3 years of science (laboratory sciences); and

7 (E) 2 years of electives in foreign language  
8 ~~(which~~ which may be deemed to include American Sign  
9 Language), music, vocational education or art;

10 (2) except that Eastern Illinois University may admit  
11 individual applicants if it determines through assessment  
12 or through evaluation based on learning outcomes of the  
13 coursework taken, including vocational education courses  
14 and courses taken in a charter school established under  
15 Article 27A of the School Code, that the applicant  
16 demonstrates knowledge and skills substantially equivalent  
17 to the knowledge and skills expected to be acquired in the  
18 high school courses required for admission. The Board of  
19 Trustees of Eastern Illinois University shall not  
20 discriminate in the University's admissions process  
21 against an applicant for admission because of the  
22 applicant's enrollment in a charter school established  
23 under Article 27A of the School Code. Eastern Illinois  
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25 an opportunity to complete the minimum college preparatory  
26 curriculum in high school, and (ii) educationally

1           disadvantaged applicants who are admitted to the formal  
2           organized special assistance programs that are tailored to  
3           the needs of such students, providing that in either case,  
4           the institution incorporates in the applicant's  
5           baccalaureate curriculum courses or other academic  
6           activities that compensate for course deficiencies; and

7           (3) except that up to 3 of 15 units of coursework  
8           required by paragraph (1) of this subsection may be  
9           distributed by deducting no more than one unit each from  
10          the categories of social studies, mathematics, sciences  
11          and electives and completing those 3 units in any of the 5  
12          categories of coursework described in paragraph (1).

13          (b) When allocating funds, local boards of education shall  
14          recognize their obligation to their students to offer the  
15          coursework required by subsection (a).

16          (c) A student who has graduated from high school and has  
17          scored within the University's accepted range on the ACT or SAT  
18          shall not be required to take the high school level General  
19          Educational Development (GED) Test as a prerequisite to  
20          admission.

21          (Source: P.A. 96-843, eff. 6-1-10; revised 1-7-10.)

22                 (110 ILCS 665/10-140)

23                 Sec. 10-140. Buildings available for emergency purposes.  
24                 The Board shall make mutually agreed buildings of the  
25                 university available for emergency purposes, upon the request

1 of the Illinois Emergency Management Agency, the  
2 State-accredited emergency management agency with  
3 jurisdiction, or the American Red Cross, and cooperate in all  
4 matters with the Illinois Emergency Management Agency, local  
5 emergency management agencies, State-certified, local public  
6 health departments, the American Red Cross, and federal  
7 agencies concerned with emergency preparedness and response.

8 (Source: P.A. 96-57, eff. 7-23-09.)

9 (110 ILCS 665/10-145)

10 Sec. 10-145 ~~10-140~~. Veterans' Day; moment of silence. If  
11 the University holds any type of event at the University on  
12 November 11, Veterans' Day, the Board shall require a moment of  
13 silence at that event to recognize Veterans' Day.

14 (Source: P.A. 96-84, eff. 7-27-09; revised 10-23-09.)

15 (110 ILCS 665/10-150)

16 Sec. 10-150 ~~10-140~~. Faculty and staff contact with public  
17 officials. All faculty and staff members of the University are  
18 free to communicate their views on any matter of private or  
19 public concern to any member of the legislative, executive, or  
20 judicial branch of government, State or federal, without notice  
21 to or prior approval of the University, so long as they do not  
22 represent that they are speaking for or on behalf of the  
23 University.

24 (Source: P.A. 96-147, eff. 8-7-09; revised 10-23-09.)

1 (110 ILCS 665/10-155)

2 Sec. 10-155 ~~10-140~~. Faculty and staff political displays.

3 The University may not prohibit any faculty or staff member  
4 from (i) displaying political buttons, stickers, or patches  
5 while on University property, provided that such display by any  
6 member of the faculty in an instructional setting is for a  
7 purpose relevant to the subject of instruction; (ii) attending  
8 a partisan political rally, provided that the employee is not  
9 on duty; or (iii) displaying a partisan bumper sticker on his  
10 or her motor vehicle.

11 (Source: P.A. 96-148, eff. 8-7-09; revised 10-23-09.)

12 (110 ILCS 665/10-160)

13 Sec. 10-160 ~~10-140~~. Disability history and awareness. The

14 University may conduct and promote activities that provide  
15 education on, awareness of, and an understanding of disability  
16 history, people with disabilities, and the disability rights  
17 movement.

18 (Source: P.A. 96-191, eff. 1-1-10; revised 10-23-09.)

19 (110 ILCS 665/10-165)

20 Sec. 10-165 ~~10-140~~. Administrator and faculty salary and

21 benefits; report. The Board of Trustees shall report to the  
22 Board of Higher Education, on or before July 1 of each year,  
23 the base salary and benefits of the president of the university

1 and all administrators, faculty members, and instructors  
2 employed by the university. For the purposes of this Section,  
3 "benefits" includes without limitation vacation days, sick  
4 days, bonuses, annuities, and retirement enhancements.  
5 (Source: P.A. 96-266, eff. 1-1-10; revised 10-23-09.)

6 Section 320. The Governors State University Law is amended  
7 by changing Section 15-85 and by setting forth and renumbering  
8 multiple versions of Section 15-140 as follows:

9 (110 ILCS 670/15-85)

10 (Text of Section before amendment by P.A. 96-843)

11 Sec. 15-85. Admission requirements.

12 (a) No new student shall be admitted to instruction in any  
13 of the departments or colleges of the Governors State  
14 University unless such student also has satisfactorily  
15 completed:

16 (1) at least 15 units of high school coursework from  
17 the following 5 categories:

18 (A) 4 years of English (emphasizing written and  
19 oral communications and literature), of which up to 2  
20 years may be collegiate level instruction;

21 (B) 3 years of social studies (emphasizing history  
22 and government);

23 (C) 3 years of mathematics (introductory through  
24 advanced algebra, geometry, trigonometry, or

1 fundamentals of computer programming);

2 (D) 3 years of science (laboratory sciences); and

3 (E) 2 years of electives in foreign language,  
4 music, vocational education or art;

5 (2) except that Governors State University may admit  
6 individual applicants if it determines through assessment  
7 or through evaluation based on learning outcomes of the  
8 coursework taken, including vocational education courses  
9 and courses taken in a charter school established under  
10 Article 27A of the School Code, that the applicant  
11 demonstrates knowledge and skills substantially equivalent  
12 to the knowledge and skills expected to be acquired in the  
13 high school courses required for admission. The Board of  
14 Trustees of Governors State University shall not  
15 discriminate in the University's admissions process  
16 against an applicant for admission because of the  
17 applicant's enrollment in a charter school established  
18 under Article 27A of the School Code. Governors State  
19 University may also admit (i) applicants who did not have  
20 an opportunity to complete the minimum college preparatory  
21 curriculum in high school, and (ii) educationally  
22 disadvantaged applicants who are admitted to the formal  
23 organized special assistance programs that are tailored to  
24 the needs of such students, providing that in either case,  
25 the institution incorporates in the applicant's  
26 baccalaureate curriculum courses or other academic

1 activities that compensate for course deficiencies; and

2 (3) except that up to 3 of 15 units of coursework  
3 required by paragraph (1) of this subsection may be  
4 distributed by deducting no more than one unit each from  
5 the categories of social studies, mathematics, sciences  
6 and electives and completing those 3 units in any of the 5  
7 categories of coursework described in paragraph (1).

8 (b) When allocating funds, local boards of education shall  
9 recognize their obligation to their students to offer the  
10 coursework required by subsection (a).

11 (c) A student who has graduated from high school and has  
12 scored within the University's accepted range on the ACT or SAT  
13 shall not be required to take the high school level General  
14 Educational Development (GED) Test as a prerequisite to  
15 admission.

16 (Source: P.A. 91-374, eff. 7-30-99.)

17 (Text of Section after amendment by P.A. 96-843)

18 Sec. 15-85. Admission requirements.

19 (a) No new student shall be admitted to instruction in any  
20 of the departments or colleges of the Governors State  
21 University unless such student also has satisfactorily  
22 completed:

23 (1) at least 15 units of high school coursework from  
24 the following 5 categories:

25 (A) 4 years of English (emphasizing written and

1 oral communications and literature), of which up to 2  
2 years may be collegiate level instruction;

3 (B) 3 years of social studies (emphasizing history  
4 and government);

5 (C) 3 years of mathematics (introductory through  
6 advanced algebra, geometry, trigonometry, or  
7 fundamentals of computer programming);

8 (D) 3 years of science (laboratory sciences); and

9 (E) 2 years of electives in foreign language  
10 ~~(which~~ which may be deemed to include American Sign  
11 Language), music, vocational education or art;

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13 individual applicants if it determines through assessment  
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17 Article 27A of the School Code, that the applicant  
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20 high school courses required for admission. The Board of  
21 Trustees of Governors State University shall not  
22 discriminate in the University's admissions process  
23 against an applicant for admission because of the  
24 applicant's enrollment in a charter school established  
25 under Article 27A of the School Code. Governors State  
26 University may also admit (i) applicants who did not have

1 an opportunity to complete the minimum college preparatory  
2 curriculum in high school, and (ii) educationally  
3 disadvantaged applicants who are admitted to the formal  
4 organized special assistance programs that are tailored to  
5 the needs of such students, providing that in either case,  
6 the institution incorporates in the applicant's  
7 baccalaureate curriculum courses or other academic  
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9 (3) except that up to 3 of 15 units of coursework  
10 required by paragraph (1) of this subsection may be  
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12 the categories of social studies, mathematics, sciences  
13 and electives and completing those 3 units in any of the 5  
14 categories of coursework described in paragraph (1).

15 (b) When allocating funds, local boards of education shall  
16 recognize their obligation to their students to offer the  
17 coursework required by subsection (a).

18 (c) A student who has graduated from high school and has  
19 scored within the University's accepted range on the ACT or SAT  
20 shall not be required to take the high school level General  
21 Educational Development (GED) Test as a prerequisite to  
22 admission.

23 (Source: P.A. 96-843, eff. 6-1-10; revised 1-7-10.)

24 (110 ILCS 670/15-140)

25 Sec. 15-140. Buildings available for emergency purposes.

1 The Board shall make mutually agreed buildings of the  
2 university available for emergency purposes, upon the request  
3 of the Illinois Emergency Management Agency, the  
4 State-accredited emergency management agency with  
5 jurisdiction, or the American Red Cross, and cooperate in all  
6 matters with the Illinois Emergency Management Agency, local  
7 emergency management agencies, State-certified, local public  
8 health departments, the American Red Cross, and federal  
9 agencies concerned with emergency preparedness and response.

10 (Source: P.A. 96-57, eff. 7-23-09.)

11 (110 ILCS 670/15-145)

12 Sec. 15-145 ~~15-140~~. Veterans' Day; moment of silence. If  
13 the University holds any type of event at the University on  
14 November 11, Veterans' Day, the Board shall require a moment of  
15 silence at that event to recognize Veterans' Day.

16 (Source: P.A. 96-84, eff. 7-27-09; revised 10-23-09.)

17 (110 ILCS 670/15-150)

18 Sec. 15-150 ~~15-140~~. Faculty and staff contact with public  
19 officials. All faculty and staff members of the University are  
20 free to communicate their views on any matter of private or  
21 public concern to any member of the legislative, executive, or  
22 judicial branch of government, State or federal, without notice  
23 to or prior approval of the University, so long as they do not  
24 represent that they are speaking for or on behalf of the

1 University.

2 (Source: P.A. 96-147, eff. 8-7-09; revised 10-23-09.)

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5 The University may not prohibit any faculty or staff member  
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10 a partisan political rally, provided that the employee is not  
11 on duty; or (iii) displaying a partisan bumper sticker on his  
12 or her motor vehicle.

13 (Source: P.A. 96-148, eff. 8-7-09; revised 10-23-09.)

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20 (Source: P.A. 96-191, eff. 1-1-10; revised 10-23-09.)

21 (110 ILCS 670/15-165)

22 Sec. 15-165 ~~15-140~~. Administrator and faculty salary and

23 benefits; report. The Board of Trustees shall report to the

1 Board of Higher Education, on or before July 1 of each year,  
2 the base salary and benefits of the president of the university  
3 and all administrators, faculty members, and instructors  
4 employed by the university. For the purposes of this Section,  
5 "benefits" includes without limitation vacation days, sick  
6 days, bonuses, annuities, and retirement enhancements.  
7 (Source: P.A. 96-266, eff. 1-1-10; revised 10-23-09.)

8 Section 325. The Illinois State University Law is amended  
9 by changing Section 20-85 and by setting forth and renumbering  
10 multiple versions of Section 20-145 as follows:

11 (110 ILCS 675/20-85)

12 (Text of Section before amendment by P.A. 96-843)

13 Sec. 20-85. Admission requirements.

14 (a) No new student shall be admitted to instruction in any  
15 of the departments or colleges of the Illinois State University  
16 unless such student also has satisfactorily completed:

17 (1) at least 15 units of high school coursework from  
18 the following 5 categories:

19 (A) 4 years of English (emphasizing written and  
20 oral communications and literature), of which up to 2  
21 years may be collegiate level instruction;

22 (B) 3 years of social studies (emphasizing history  
23 and government);

24 (C) 3 years of mathematics (introductory through

1 advanced algebra, geometry, trigonometry, or  
2 fundamentals of computer programming);

3 (D) 3 years of science (laboratory sciences); and

4 (E) 2 years of electives in foreign language,  
5 music, vocational education or art;

6 (2) except that Illinois State University may admit  
7 individual applicants if it determines through assessment  
8 or through evaluation based on learning outcomes of the  
9 coursework taken, including vocational education courses  
10 and courses taken in a charter school established under  
11 Article 27A of the School Code, that the applicant  
12 demonstrates knowledge and skills substantially equivalent  
13 to the knowledge and skills expected to be acquired in the  
14 high school courses required for admission. The Board of  
15 Trustees of Illinois State University shall not  
16 discriminate in the University's admissions process  
17 against an applicant for admission because of the  
18 applicant's enrollment in a charter school established  
19 under Article 27A of the School Code. Illinois State  
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21 an opportunity to complete the minimum college preparatory  
22 curriculum in high school, and (ii) educationally  
23 disadvantaged applicants who are admitted to the formal  
24 organized special assistance programs that are tailored to  
25 the needs of such students, providing that in either case,  
26 the institution incorporates in the applicant's

1           baccalaureate curriculum courses or other academic  
2           activities that compensate for course deficiencies; and

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6           the categories of social studies, mathematics, sciences  
7           and electives and completing those 3 units in any of the 5  
8           categories of coursework described in paragraph (1).

9           (b) When allocating funds, local boards of education shall  
10          recognize their obligation to their students to offer the  
11          coursework required by subsection (a).

12          (c) A student who has graduated from high school and has  
13          scored within the University's accepted range on the ACT or SAT  
14          shall not be required to take the high school level General  
15          Educational Development (GED) Test as a prerequisite to  
16          admission.

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25                                 (A) 4 years of English (emphasizing written and

1 oral communications and literature), of which up to 2  
2 years may be collegiate level instruction;

3 (B) 3 years of social studies (emphasizing history  
4 and government);

5 (C) 3 years of mathematics (introductory through  
6 advanced algebra, geometry, trigonometry, or  
7 fundamentals of computer programming);

8 (D) 3 years of science (laboratory sciences); and

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21 Trustees of Illinois State University shall not  
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3 disadvantaged applicants who are admitted to the formal  
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5 the needs of such students, providing that in either case,  
6 the institution incorporates in the applicant's  
7 baccalaureate curriculum courses or other academic  
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19 scored within the University's accepted range on the ACT or SAT  
20 shall not be required to take the high school level General  
21 Educational Development (GED) Test as a prerequisite to  
22 admission.

23 (Source: P.A. 96-843, eff. 6-1-10; revised 1-7-10.)

24 (110 ILCS 675/20-145)

25 Sec. 20-145. Buildings available for emergency purposes.

1 The Board shall make mutually agreed buildings of the  
2 university available for emergency purposes, upon the request  
3 of the Illinois Emergency Management Agency, the  
4 State-accredited emergency management agency with  
5 jurisdiction, or the American Red Cross, and cooperate in all  
6 matters with the Illinois Emergency Management Agency, local  
7 emergency management agencies, State-certified, local public  
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9 agencies concerned with emergency preparedness and response.

10 (Source: P.A. 96-57, eff. 7-23-09.)

11 (110 ILCS 675/20-150)

12 Sec. 20-150 ~~20-145~~. Veterans' Day; moment of silence. If  
13 the University holds any type of event at the University on  
14 November 11, Veterans' Day, the Board shall require a moment of  
15 silence at that event to recognize Veterans' Day.

16 (Source: P.A. 96-84, eff. 7-27-09; revised 10-23-09.)

17 (110 ILCS 675/20-155)

18 Sec. 20-155 ~~20-145~~. Faculty and staff contact with public  
19 officials. All faculty and staff members of the University are  
20 free to communicate their views on any matter of private or  
21 public concern to any member of the legislative, executive, or  
22 judicial branch of government, State or federal, without notice  
23 to or prior approval of the University, so long as they do not  
24 represent that they are speaking for or on behalf of the

1 University.

2 (Source: P.A. 96-147, eff. 8-7-09; revised 10-23-09.)

3 (110 ILCS 675/20-160)

4 Sec. 20-160 ~~20-145~~. Faculty and staff political displays.

5 The University may not prohibit any faculty or staff member  
6 from (i) displaying political buttons, stickers, or patches  
7 while on University property, provided that such display by any  
8 member of the faculty in an instructional setting is for a  
9 purpose relevant to the subject of instruction; (ii) attending  
10 a partisan political rally, provided that the employee is not  
11 on duty; or (iii) displaying a partisan bumper sticker on his  
12 or her motor vehicle.

13 (Source: P.A. 96-148, eff. 8-7-09; revised 10-23-09.)

14 (110 ILCS 675/20-165)

15 Sec. 20-165 ~~20-145~~. Disability history and awareness. The

16 University may conduct and promote activities that provide  
17 education on, awareness of, and an understanding of disability  
18 history, people with disabilities, and the disability rights  
19 movement.

20 (Source: P.A. 96-191, eff. 1-1-10; revised 10-23-09.)

21 (110 ILCS 675/20-170)

22 Sec. 20-170 ~~20-145~~. Administrator and faculty salary and

23 benefits; report. The Board of Trustees shall report to the

1 Board of Higher Education, on or before July 1 of each year,  
2 the base salary and benefits of the president of the university  
3 and all administrators, faculty members, and instructors  
4 employed by the university. For the purposes of this Section,  
5 "benefits" includes without limitation vacation days, sick  
6 days, bonuses, annuities, and retirement enhancements.

7 (Source: P.A. 96-266, eff. 1-1-10; revised 10-23-09.)

8 Section 330. The Northeastern Illinois University Law is  
9 amended by changing Section 25-85 and by setting forth and  
10 renumbering multiple versions of Section 25-140 as follows:

11 (110 ILCS 680/25-85)

12 (Text of Section before amendment by P.A. 96-843)

13 Sec. 25-85. Admission requirements.

14 (a) No new student shall be admitted to instruction in any  
15 of the departments or colleges of the Northeastern Illinois  
16 University unless such student also has satisfactorily  
17 completed:

18 (1) at least 15 units of high school coursework from  
19 the following 5 categories:

20 (A) 4 years of English (emphasizing written and  
21 oral communications and literature), of which up to 2  
22 years may be collegiate level instruction;

23 (B) 3 years of social studies (emphasizing history  
24 and government);

1 (C) 3 years of mathematics (introductory through  
2 advanced algebra, geometry, trigonometry, or  
3 fundamentals of computer programming);

4 (D) 3 years of science (laboratory sciences); and

5 (E) 2 years of electives in foreign language,  
6 music, vocational education or art;

7 (2) except that Northeastern Illinois University may  
8 admit individual applicants if it determines through  
9 assessment or through evaluation based on learning  
10 outcomes of the coursework taken, including vocational  
11 education courses and courses taken in a charter school  
12 established under Article 27A of the School Code, that the  
13 applicant demonstrates knowledge and skills substantially  
14 equivalent to the knowledge and skills expected to be  
15 acquired in the high school courses required for admission.  
16 The Board of Trustees of Northeastern Illinois University  
17 shall not discriminate in the University's admissions  
18 process against an applicant for admission because of the  
19 applicant's enrollment in a charter school established  
20 under Article 27A of the School Code. Northeastern Illinois  
21 University may also admit (i) applicants who did not have  
22 an opportunity to complete the minimum college preparatory  
23 curriculum in high school, and (ii) educationally  
24 disadvantaged applicants who are admitted to the formal  
25 organized special assistance programs that are tailored to  
26 the needs of such students, providing that in either case,

1 the institution incorporates in the applicant's  
2 baccalaureate curriculum courses or other academic  
3 activities that compensate for course deficiencies; and

4 (3) except that up to 3 of 15 units of coursework  
5 required by paragraph (1) of this subsection may be  
6 distributed by deducting no more than one unit each from  
7 the categories of social studies, mathematics, sciences  
8 and electives and completing those 3 units in any of the 5  
9 categories of coursework described in paragraph (1).

10 (b) When allocating funds, local boards of education shall  
11 recognize their obligation to their students to offer the  
12 coursework required by subsection (a).

13 (c) A student who has graduated from high school and has  
14 scored within the University's accepted range on the ACT or SAT  
15 shall not be required to take the high school level General  
16 Educational Development (GED) Test as a prerequisite to  
17 admission.

18 (Source: P.A. 91-374, eff. 7-30-99.)

19 (Text of Section after amendment by P.A. 96-843)

20 Sec. 25-85. Admission requirements.

21 (a) No new student shall be admitted to instruction in any  
22 of the departments or colleges of the Northeastern Illinois  
23 University unless such student also has satisfactorily  
24 completed:

25 (1) at least 15 units of high school coursework from

1 the following 5 categories:

2 (A) 4 years of English (emphasizing written and  
3 oral communications and literature), of which up to 2  
4 years may be collegiate level instruction;

5 (B) 3 years of social studies (emphasizing history  
6 and government);

7 (C) 3 years of mathematics (introductory through  
8 advanced algebra, geometry, trigonometry, or  
9 fundamentals of computer programming);

10 (D) 3 years of science (laboratory sciences); and

11 (E) 2 years of electives in foreign language  
12 (~~which~~ which may be deemed to include American Sign  
13 Language), music, vocational education or art;

14 (2) except that Northeastern Illinois University may  
15 admit individual applicants if it determines through  
16 assessment or through evaluation based on learning  
17 outcomes of the coursework taken, including vocational  
18 education courses and courses taken in a charter school  
19 established under Article 27A of the School Code, that the  
20 applicant demonstrates knowledge and skills substantially  
21 equivalent to the knowledge and skills expected to be  
22 acquired in the high school courses required for admission.  
23 The Board of Trustees of Northeastern Illinois University  
24 shall not discriminate in the University's admissions  
25 process against an applicant for admission because of the  
26 applicant's enrollment in a charter school established

1 under Article 27A of the School Code. Northeastern Illinois  
2 University may also admit (i) applicants who did not have  
3 an opportunity to complete the minimum college preparatory  
4 curriculum in high school, and (ii) educationally  
5 disadvantaged applicants who are admitted to the formal  
6 organized special assistance programs that are tailored to  
7 the needs of such students, providing that in either case,  
8 the institution incorporates in the applicant's  
9 baccalaureate curriculum courses or other academic  
10 activities that compensate for course deficiencies; and

11 (3) except that up to 3 of 15 units of coursework  
12 required by paragraph (1) of this subsection may be  
13 distributed by deducting no more than one unit each from  
14 the categories of social studies, mathematics, sciences  
15 and electives and completing those 3 units in any of the 5  
16 categories of coursework described in paragraph (1).

17 (b) When allocating funds, local boards of education shall  
18 recognize their obligation to their students to offer the  
19 coursework required by subsection (a).

20 (c) A student who has graduated from high school and has  
21 scored within the University's accepted range on the ACT or SAT  
22 shall not be required to take the high school level General  
23 Educational Development (GED) Test as a prerequisite to  
24 admission.

25 (Source: P.A. 96-843, eff. 6-1-10; revised 1-7-10.)

1 (110 ILCS 680/25-140)

2 Sec. 25-140. Buildings available for emergency purposes.

3 The Board shall make mutually agreed buildings of the  
4 university available for emergency purposes, upon the request  
5 of the Illinois Emergency Management Agency, the  
6 State-accredited emergency management agency with  
7 jurisdiction, or the American Red Cross, and cooperate in all  
8 matters with the Illinois Emergency Management Agency, local  
9 emergency management agencies, State-certified, local public  
10 health departments, the American Red Cross, and federal  
11 agencies concerned with emergency preparedness and response.

12 (Source: P.A. 96-57, eff. 7-23-09.)

13 (110 ILCS 680/25-145)

14 Sec. 25-145 ~~25-140~~. Veterans' Day; moment of silence. If  
15 the University holds any type of event at the University on  
16 November 11, Veterans' Day, the Board shall require a moment of  
17 silence at that event to recognize Veterans' Day.

18 (Source: P.A. 96-84, eff. 7-27-09; revised 10-23-09.)

19 (110 ILCS 680/25-150)

20 Sec. 25-150 ~~25-140~~. Faculty and staff contact with public  
21 officials. All faculty and staff members of the University are  
22 free to communicate their views on any matter of private or  
23 public concern to any member of the legislative, executive, or  
24 judicial branch of government, State or federal, without notice

1 to or prior approval of the University, so long as they do not  
2 represent that they are speaking for or on behalf of the  
3 University.

4 (Source: P.A. 96-147, eff. 8-7-09; revised 10-23-09.)

5 (110 ILCS 680/25-155)

6 Sec. 25-155 ~~25-140~~. Faculty and staff political displays.

7 The University may not prohibit any faculty or staff member  
8 from (i) displaying political buttons, stickers, or patches  
9 while on University property, provided that such display by any  
10 member of the faculty in an instructional setting is for a  
11 purpose relevant to the subject of instruction; (ii) attending  
12 a partisan political rally, provided that the employee is not  
13 on duty; or (iii) displaying a partisan bumper sticker on his  
14 or her motor vehicle.

15 (Source: P.A. 96-148, eff. 8-7-09; revised 10-23-09.)

16 (110 ILCS 680/25-160)

17 Sec. 25-160 ~~25-140~~. Disability history and awareness. The

18 University may conduct and promote activities that provide  
19 education on, awareness of, and an understanding of disability  
20 history, people with disabilities, and the disability rights  
21 movement.

22 (Source: P.A. 96-191, eff. 1-1-10; revised 10-23-09.)

23 (110 ILCS 680/25-165)

1           Sec. 25-165 ~~25-140~~. Administrator and faculty salary and  
2 benefits; report. The Board of Trustees shall report to the  
3 Board of Higher Education, on or before July 1 of each year,  
4 the base salary and benefits of the president of the university  
5 and all administrators, faculty members, and instructors  
6 employed by the university. For the purposes of this Section,  
7 "benefits" includes without limitation vacation days, sick  
8 days, bonuses, annuities, and retirement enhancements.

9           (Source: P.A. 96-266, eff. 1-1-10; revised 10-23-09.)

10           Section 335. The Northern Illinois University Law is  
11 amended by changing Section 30-85 and by setting forth and  
12 renumbering multiple versions of Section 30-150 as follows:

13           (110 ILCS 685/30-85)

14           (Text of Section before amendment by P.A. 96-843)

15           Sec. 30-85. Admission requirements.

16           (a) No new student shall be admitted to instruction in any  
17 of the departments or colleges of the Northern Illinois  
18 University unless such student also has satisfactorily  
19 completed:

20           (1) at least 15 units of high school coursework from  
21 the following 5 categories:

22           (A) 4 years of English (emphasizing written and  
23 oral communications and literature), of which up to 2  
24 years may be collegiate level instruction;

1 (B) 3 years of social studies (emphasizing history  
2 and government);

3 (C) 3 years of mathematics (introductory through  
4 advanced algebra, geometry, trigonometry, or  
5 fundamentals of computer programming);

6 (D) 3 years of science (laboratory sciences); and

7 (E) 2 years of electives in foreign language,  
8 music, vocational education or art;

9 (2) except that Northern Illinois University may admit  
10 individual applicants if it determines through assessment  
11 or through evaluation based on learning outcomes of the  
12 coursework taken, including vocational education courses  
13 and courses taken in a charter school established under  
14 Article 27A of the School Code, that the applicant  
15 demonstrates knowledge and skills substantially equivalent  
16 to the knowledge and skills expected to be acquired in the  
17 high school courses required for admission. The Board of  
18 Trustees of Northern Illinois University shall not  
19 discriminate in the University's admissions process  
20 against an applicant for admission because of the  
21 applicant's enrollment in a charter school established  
22 under Article 27A of the School Code. Northern Illinois  
23 University may also admit (i) applicants who did not have  
24 an opportunity to complete the minimum college preparatory  
25 curriculum in high school, and (ii) educationally  
26 disadvantaged applicants who are admitted to the formal

1 organized special assistance programs that are tailored to  
2 the needs of such students, providing that in either case,  
3 the institution incorporates in the applicant's  
4 baccalaureate curriculum courses or other academic  
5 activities that compensate for course deficiencies; and

6 (3) except that up to 3 of 15 units of coursework  
7 required by paragraph (1) of this subsection may be  
8 distributed by deducting no more than one unit each from  
9 the categories of social studies, mathematics, sciences  
10 and electives and completing those 3 units in any of the 5  
11 categories of coursework described in paragraph (1).

12 (b) When allocating funds, local boards of education shall  
13 recognize their obligation to their students to offer the  
14 coursework required by subsection (a).

15 (c) A student who has graduated from high school and has  
16 scored within the University's accepted range on the ACT or SAT  
17 shall not be required to take the high school level General  
18 Educational Development (GED) Test as a prerequisite to  
19 admission.

20 (Source: P.A. 91-374, eff. 7-30-99.)

21 (Text of Section after amendment by P.A. 96-843)

22 Sec. 30-85. Admission requirements.

23 (a) No new student shall be admitted to instruction in any  
24 of the departments or colleges of the Northern Illinois  
25 University unless such student also has satisfactorily

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3 the following 5 categories:

4 (A) 4 years of English (emphasizing written and  
5 oral communications and literature), of which up to 2  
6 years may be collegiate level instruction;

7 (B) 3 years of social studies (emphasizing history  
8 and government);

9 (C) 3 years of mathematics (introductory through  
10 advanced algebra, geometry, trigonometry, or  
11 fundamentals of computer programming);

12 (D) 3 years of science (laboratory sciences); and

13 (E) 2 years of electives in foreign language  
14 ~~(~~which may be deemed to include American Sign  
15 Language), music, vocational education or art;

16 (2) except that Northern Illinois University may admit  
17 individual applicants if it determines through assessment  
18 or through evaluation based on learning outcomes of the  
19 coursework taken, including vocational education courses  
20 and courses taken in a charter school established under  
21 Article 27A of the School Code, that the applicant  
22 demonstrates knowledge and skills substantially equivalent  
23 to the knowledge and skills expected to be acquired in the  
24 high school courses required for admission. The Board of  
25 Trustees of Northern Illinois University shall not  
26 discriminate in the University's admissions process

1 against an applicant for admission because of the  
2 applicant's enrollment in a charter school established  
3 under Article 27A of the School Code. Northern Illinois  
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7 disadvantaged applicants who are admitted to the formal  
8 organized special assistance programs that are tailored to  
9 the needs of such students, providing that in either case,  
10 the institution incorporates in the applicant's  
11 baccalaureate curriculum courses or other academic  
12 activities that compensate for course deficiencies; and

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14 required by paragraph (1) of this subsection may be  
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16 the categories of social studies, mathematics, sciences  
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18 categories of coursework described in paragraph (1).

19 (b) When allocating funds, local boards of education shall  
20 recognize their obligation to their students to offer the  
21 coursework required by subsection (a).

22 (c) A student who has graduated from high school and has  
23 scored within the University's accepted range on the ACT or SAT  
24 shall not be required to take the high school level General  
25 Educational Development (GED) Test as a prerequisite to  
26 admission.

1 (Source: P.A. 96-843, eff. 6-1-10; revised 1-7-10.)

2 (110 ILCS 685/30-150)

3 Sec. 30-150. Buildings available for emergency purposes.

4 The Board shall make mutually agreed buildings of the  
5 university available for emergency purposes, upon the request  
6 of the Illinois Emergency Management Agency, the  
7 State-accredited emergency management agency with  
8 jurisdiction, or the American Red Cross, and cooperate in all  
9 matters with the Illinois Emergency Management Agency, local  
10 emergency management agencies, State-certified, local public  
11 health departments, the American Red Cross, and federal  
12 agencies concerned with emergency preparedness and response.

13 (Source: P.A. 96-57, eff. 7-23-09.)

14 (110 ILCS 685/30-155)

15 Sec. 30-155 ~~30-150~~. Veterans' Day; moment of silence. If  
16 the University holds any type of event at the University on  
17 November 11, Veterans' Day, the Board shall require a moment of  
18 silence at that event to recognize Veterans' Day.

19 (Source: P.A. 96-84, eff. 7-27-09; revised 10-23-09.)

20 (110 ILCS 685/30-160)

21 Sec. 30-160 ~~30-150~~. Faculty and staff contact with public  
22 officials. All faculty and staff members of the University are  
23 free to communicate their views on any matter of private or

1 public concern to any member of the legislative, executive, or  
2 judicial branch of government, State or federal, without notice  
3 to or prior approval of the University, so long as they do not  
4 represent that they are speaking for or on behalf of the  
5 University.

6 (Source: P.A. 96-147, eff. 8-7-09; revised 10-23-09.)

7 (110 ILCS 685/30-165)

8 Sec. 30-165 ~~30-150~~. Faculty and staff political displays.  
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10 from (i) displaying political buttons, stickers, or patches  
11 while on University property, provided that such display by any  
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13 purpose relevant to the subject of instruction; (ii) attending  
14 a partisan political rally, provided that the employee is not  
15 on duty; or (iii) displaying a partisan bumper sticker on his  
16 or her motor vehicle.

17 (Source: P.A. 96-148, eff. 8-7-09; revised 10-23-09.)

18 (110 ILCS 685/30-170)

19 Sec. 30-170 ~~30-150~~. Disability history and awareness. The  
20 University may conduct and promote activities that provide  
21 education on, awareness of, and an understanding of disability  
22 history, people with disabilities, and the disability rights  
23 movement.

24 (Source: P.A. 96-191, eff. 1-1-10; revised 10-23-09.)

1 (110 ILCS 685/30-175)

2 Sec. 30-175 ~~30-150~~. Administrator and faculty salary and  
3 benefits; report. The Board of Trustees shall report to the  
4 Board of Higher Education, on or before July 1 of each year,  
5 the base salary and benefits of the president of the university  
6 and all administrators, faculty members, and instructors  
7 employed by the university. For the purposes of this Section,  
8 "benefits" includes without limitation vacation days, sick  
9 days, bonuses, annuities, and retirement enhancements.  
10 (Source: P.A. 96-266, eff. 1-1-10; revised 10-23-09.)

11 Section 340. The Western Illinois University Law is amended  
12 by changing Section 35-85 and by setting forth and renumbering  
13 multiple versions of Section 35-145 as follows:

14 (110 ILCS 690/35-85)

15 (Text of Section before amendment by P.A. 96-843)

16 Sec. 35-85. Admission requirements.

17 (a) No new student shall be admitted to instruction in any  
18 of the departments or colleges of the Western Illinois  
19 University unless such student also has satisfactorily  
20 completed:

21 (1) at least 15 units of high school coursework from  
22 the following 5 categories:

23 (A) 4 years of English (emphasizing written and

1 oral communications and literature), of which up to 2  
2 years may be collegiate level instruction;

3 (B) 3 years of social studies (emphasizing history  
4 and government);

5 (C) 3 years of mathematics (introductory through  
6 advanced algebra, geometry, trigonometry, or  
7 fundamentals of computer programming);

8 (D) 3 years of science (laboratory sciences); and

9 (E) 2 years of electives in foreign language,  
10 music, vocational education or art;

11 (2) except that Western Illinois University may admit  
12 individual applicants if it determines through assessment  
13 or through evaluation based on learning outcomes of the  
14 coursework taken, including vocational education courses  
15 and courses taken in a charter school established under  
16 Article 27A of the School Code, that the applicant  
17 demonstrates knowledge and skills substantially equivalent  
18 to the knowledge and skills expected to be acquired in the  
19 high school courses required for admission. The Board of  
20 Trustees of Western Illinois University shall not  
21 discriminate in the University's admissions process  
22 against an applicant for admission because of the  
23 applicant's enrollment in a charter school established  
24 under Article 27A of the School Code. Western Illinois  
25 University may also admit (i) applicants who did not have  
26 an opportunity to complete the minimum college preparatory

1 curriculum in high school, and (ii) educationally  
2 disadvantaged applicants who are admitted to the formal  
3 organized special assistance programs that are tailored to  
4 the needs of such students, providing that in either case,  
5 the institution incorporates in the applicant's  
6 baccalaureate curriculum courses or other academic  
7 activities that compensate for course deficiencies; and

8 (3) except that up to 3 of 15 units of coursework  
9 required by paragraph (1) of this subsection may be  
10 distributed by deducting no more than one unit each from  
11 the categories of social studies, mathematics, sciences  
12 and electives and completing those 3 units in any of the 5  
13 categories of coursework described in paragraph (1).

14 (b) When allocating funds, local boards of education shall  
15 recognize their obligation to their students to offer the  
16 coursework required by subsection (a).

17 (c) A student who has graduated from high school and has  
18 scored within the University's accepted range on the ACT or SAT  
19 shall not be required to take the high school level General  
20 Educational Development (GED) Test as a prerequisite to  
21 admission.

22 (Source: P.A. 91-374, eff. 7-30-99.)

23 (Text of Section after amendment by P.A. 96-843)

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7 oral communications and literature), of which up to 2  
8 years may be collegiate level instruction;

9 (B) 3 years of social studies (emphasizing history  
10 and government);

11 (C) 3 years of mathematics (introductory through  
12 advanced algebra, geometry, trigonometry, or  
13 fundamentals of computer programming);

14 (D) 3 years of science (laboratory sciences); and

15 (E) 2 years of electives in foreign language  
16 ~~(~~which may be deemed to include American Sign  
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26 high school courses required for admission. The Board of

1 Trustees of Western Illinois University shall not  
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4 applicant's enrollment in a charter school established  
5 under Article 27A of the School Code. Western Illinois  
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7 an opportunity to complete the minimum college preparatory  
8 curriculum in high school, and (ii) educationally  
9 disadvantaged applicants who are admitted to the formal  
10 organized special assistance programs that are tailored to  
11 the needs of such students, providing that in either case,  
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20 categories of coursework described in paragraph (1).

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22 recognize their obligation to their students to offer the  
23 coursework required by subsection (a).

24 (c) A student who has graduated from high school and has  
25 scored within the University's accepted range on the ACT or SAT  
26 shall not be required to take the high school level General

1 Educational Development (GED) Test as a prerequisite to  
2 admission.

3 (Source: P.A. 96-843, eff. 6-1-10; revised 1-7-10.)

4 (110 ILCS 690/35-145)

5 Sec. 35-145. Buildings available for emergency purposes.

6 The Board shall make mutually agreed buildings of the  
7 university available for emergency purposes, upon the request  
8 of the Illinois Emergency Management Agency, the  
9 State-accredited emergency management agency with  
10 jurisdiction, or the American Red Cross, and cooperate in all  
11 matters with the Illinois Emergency Management Agency, local  
12 emergency management agencies, State-certified, local public  
13 health departments, the American Red Cross, and federal  
14 agencies concerned with emergency preparedness and response.

15 (Source: P.A. 96-57, eff. 7-23-09.)

16 (110 ILCS 690/35-150)

17 Sec. 35-150 ~~35-145~~. Veterans' Day; moment of silence. If  
18 the University holds any type of event at the University on  
19 November 11, Veterans' Day, the Board shall require a moment of  
20 silence at that event to recognize Veterans' Day.

21 (Source: P.A. 96-84, eff. 7-27-09; revised 10-23-09.)

22 (110 ILCS 690/35-155)

23 Sec. 35-155 ~~35-145~~. Faculty and staff contact with public

1 officials. All faculty and staff members of the University are  
2 free to communicate their views on any matter of private or  
3 public concern to any member of the legislative, executive, or  
4 judicial branch of government, State or federal, without notice  
5 to or prior approval of the University, so long as they do not  
6 represent that they are speaking for or on behalf of the  
7 University.

8 (Source: P.A. 96-147, eff. 8-7-09; revised 10-23-09.)

9 (110 ILCS 690/35-160)

10 Sec. 35-160 ~~35-145~~. Faculty and staff political displays.  
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14 member of the faculty in an instructional setting is for a  
15 purpose relevant to the subject of instruction; (ii) attending  
16 a partisan political rally, provided that the employee is not  
17 on duty; or (iii) displaying a partisan bumper sticker on his  
18 or her motor vehicle.

19 (Source: P.A. 96-148, eff. 8-7-09; revised 10-23-09.)

20 (110 ILCS 690/35-165)

21 Sec. 35-165 ~~35-145~~. Disability history and awareness. The  
22 University may conduct and promote activities that provide  
23 education on, awareness of, and an understanding of disability  
24 history, people with disabilities, and the disability rights

1 movement.

2 (Source: P.A. 96-191, eff. 1-1-10; revised 10-23-09.)

3 (110 ILCS 690/35-170)

4 Sec. 35-170 ~~35-145~~. Administrator and faculty salary and  
5 benefits; report. The Board of Trustees shall report to the  
6 Board of Higher Education, on or before July 1 of each year,  
7 the base salary and benefits of the president of the university  
8 and all administrators, faculty members, and instructors  
9 employed by the university. For the purposes of this Section,  
10 "benefits" includes without limitation vacation days, sick  
11 days, bonuses, annuities, and retirement enhancements.

12 (Source: P.A. 96-266, eff. 1-1-10; revised 10-23-09.)

13 Section 345. The Public Community College Act is amended by  
14 setting forth and renumbering multiple versions of Section  
15 3-29.4 as follows:

16 (110 ILCS 805/3-29.4)

17 Sec. 3-29.4. Buildings available for emergency purposes.  
18 The board shall make mutually agreed buildings of the college  
19 available for emergency purposes, upon the request of the  
20 Illinois Emergency Management Agency, the State-accredited  
21 emergency management agency with jurisdiction, or the American  
22 Red Cross, and cooperate in all matters with the Illinois  
23 Emergency Management Agency, local emergency management

1 agencies, State-certified, local public health departments,  
2 the American Red Cross, and federal agencies concerned with  
3 emergency preparedness and response.

4 (Source: P.A. 96-57, eff. 7-23-09.)

5 (110 ILCS 805/3-29.5)

6 Sec. 3-29.5 ~~3-29.4~~. Veterans' Day; moment of silence. If a  
7 community college holds any type of event at the community  
8 college on November 11, Veterans' Day, the board shall require  
9 a moment of silence at that event to recognize Veterans' Day.

10 (Source: P.A. 96-84, eff. 7-27-09; revised 10-23-09.)

11 (110 ILCS 805/3-29.6)

12 Sec. 3-29.6 ~~3-29.4~~. Faculty and staff contact with public  
13 officials. All faculty and staff members of a community college  
14 are free to communicate their views on any matter of private or  
15 public concern to any member of the legislative, executive, or  
16 judicial branch of government, State or federal, without notice  
17 to or prior approval of the community college, so long as they  
18 do not represent that they are speaking for or on behalf of the  
19 community college.

20 (Source: P.A. 96-147, eff. 8-7-09; revised 10-23-09.)

21 (110 ILCS 805/3-29.7)

22 Sec. 3-29.7 ~~3-29.4~~. Faculty and staff political displays. A  
23 community college may not prohibit any faculty or staff member

1 from (i) displaying political buttons, stickers, or patches  
2 while on community college property, provided that such display  
3 by any member of the faculty in an instructional setting is for  
4 a purpose relevant to the subject of instruction; (ii)  
5 attending a partisan political rally, provided that the  
6 employee is not on duty; or (iii) displaying a partisan bumper  
7 sticker on his or her motor vehicle.

8 (Source: P.A. 96-148, eff. 8-7-09; revised 10-23-09.)

9 (110 ILCS 805/3-29.8)

10 Sec. 3-29.8 ~~3-29.4~~. Administrator and faculty salary and  
11 benefits; report. Each board of trustees shall report to the  
12 Board of Higher Education, on or before July 1 of each year,  
13 the base salary and benefits of the president or chief  
14 executive officer of the community college and all  
15 administrators, faculty members, and instructors employed by  
16 the community college district. For the purposes of this  
17 Section, "benefits" includes without limitation vacation days,  
18 sick days, bonuses, annuities, and retirement enhancements.

19 (Source: P.A. 96-266, eff. 1-1-10; revised 10-23-09.)

20 Section 350. The Illinois Banking Act is amended by  
21 changing Section 2 as follows:

22 (205 ILCS 5/2) (from Ch. 17, par. 302)

23 Sec. 2. General definitions. In this Act, unless the

1 context otherwise requires, the following words and phrases  
2 shall have the following meanings:

3 "Accommodation party" shall have the meaning ascribed to  
4 that term in Section 3-419 of the Uniform Commercial Code.

5 "Action" in the sense of a judicial proceeding includes  
6 recoupments, counterclaims, set-off, and any other proceeding  
7 in which rights are determined.

8 "Affiliate facility" of a bank means a main banking  
9 premises or branch of another commonly owned bank. The main  
10 banking premises or any branch of a bank may be an "affiliate  
11 facility" with respect to one or more other commonly owned  
12 banks.

13 "Appropriate federal banking agency" means the Federal  
14 Deposit Insurance Corporation, the Federal Reserve Bank of  
15 Chicago, or the Federal Reserve Bank of St. Louis, as  
16 determined by federal law.

17 "Bank" means any person doing a banking business whether  
18 subject to the laws of this or any other jurisdiction.

19 A "banking house", "branch", "branch bank" or "branch  
20 office" shall mean any place of business of a bank at which  
21 deposits are received, checks paid, or loans made, but shall  
22 not include any place at which only records thereof are made,  
23 posted, or kept. A place of business at which deposits are  
24 received, checks paid, or loans made shall not be deemed to be  
25 a branch, branch bank, or branch office if the place of  
26 business is adjacent to and connected with the main banking

1 premises, or if it is separated from the main banking premises  
2 by not more than an alley; provided always that (i) if the  
3 place of business is separated by an alley from the main  
4 banking premises there is a connection between the two by  
5 public or private way or by subterranean or overhead passage,  
6 and (ii) if the place of business is in a building not wholly  
7 occupied by the bank, the place of business shall not be within  
8 any office or room in which any other business or service of  
9 any kind or nature other than the business of the bank is  
10 conducted or carried on. A place of business at which deposits  
11 are received, checks paid, or loans made shall not be deemed to  
12 be a branch, branch bank, or branch office (i) of any bank if  
13 the place is a terminal established and maintained in  
14 accordance with paragraph (17) of Section 5 of this Act, or  
15 (ii) of a commonly owned bank by virtue of transactions  
16 conducted at that place on behalf of the other commonly owned  
17 bank under paragraph (23) of Section 5 of this Act if the place  
18 is an affiliate facility with respect to the other bank.

19 "Branch of an out-of-state bank" means a branch established  
20 or maintained in Illinois by an out-of-state bank as a result  
21 of a merger between an Illinois bank and the out-of-state bank  
22 that occurs on or after May 31, 1997, or any branch established  
23 by the out-of-state bank following the merger.

24 "Bylaws" means the bylaws of a bank that are adopted by the  
25 bank's board of directors or shareholders for the regulation  
26 and management of the bank's affairs. If the bank operates as a

1 limited liability company, however, "bylaws" means the  
2 operating agreement of the bank.

3 "Call report fee" means the fee to be paid to the  
4 Commissioner by each State bank pursuant to paragraph (a) of  
5 subsection (3) of Section 48 of this Act.

6 "Capital" includes the aggregate of outstanding capital  
7 stock and preferred stock.

8 "Cash flow reserve account" means the account within the  
9 books and records of the Commissioner of Banks and Real Estate  
10 used to record funds designated to maintain a reasonable Bank  
11 and Trust Company Fund operating balance to meet agency  
12 obligations on a timely basis.

13 "Charter" includes the original charter and all amendments  
14 thereto and articles of merger or consolidation.

15 "Commissioner" means the Commissioner of Banks and Real  
16 Estate, except that beginning on April 6, 2009 (the effective  
17 date of Public Act 95-1047) ~~this amendatory Act of the 95th~~  
18 ~~General Assembly~~, all references in this Act to the  
19 Commissioner of Banks and Real Estate are deemed, in  
20 appropriate contexts, to be references to the Secretary of  
21 Financial and Professional Regulation.

22 "Commonly owned banks" means 2 or more banks that each  
23 qualify as a bank subsidiary of the same bank holding company  
24 pursuant to Section 18 of the Federal Deposit Insurance Act;  
25 "commonly owned bank" refers to one of a group of commonly  
26 owned banks but only with respect to one or more of the other

1 banks in the same group.

2 "Community" means a city, village, or incorporated town and  
3 also includes the area served by the banking offices of a bank,  
4 but need not be limited or expanded to conform to the  
5 geographic boundaries of units of local government.

6 "Company" means a corporation, limited liability company,  
7 partnership, business trust, association, or similar  
8 organization and, unless specifically excluded, includes a  
9 "State bank" and a "bank".

10 "Consolidating bank" means a party to a consolidation.

11 "Consolidation" takes place when 2 or more banks, or a  
12 trust company and a bank, are extinguished and by the same  
13 process a new bank is created, taking over the assets and  
14 assuming the liabilities of the banks or trust company passing  
15 out of existence.

16 "Continuing bank" means a merging bank, the charter of  
17 which becomes the charter of the resulting bank.

18 "Converting bank" means a State bank converting to become a  
19 national bank, or a national bank converting to become a State  
20 bank.

21 "Converting trust company" means a trust company  
22 converting to become a State bank.

23 "Court" means a court of competent jurisdiction.

24 "Director" means a member of the board of directors of a  
25 bank. In the case of a manager-managed limited liability  
26 company, however, "director" means a manager of the bank and,

1 in the case of a member-managed limited liability company,  
2 "director" means a member of the bank. The term "director" does  
3 not include an advisory director, honorary director, director  
4 emeritus, or similar person, unless the person is otherwise  
5 performing functions similar to those of a member of the board  
6 of directors.

7 "Eligible depository institution" means an insured savings  
8 association that is in default, an insured savings association  
9 that is in danger of default, a State or national bank that is  
10 in default or a State or national bank that is in danger of  
11 default, as those terms are defined in this Section, or a new  
12 bank as that term defined in Section 11(m) of the Federal  
13 Deposit Insurance Act or a bridge bank as that term is defined  
14 in Section 11(n) of the Federal Deposit Insurance Act or a new  
15 federal savings association authorized under Section  
16 11(d) (2) (f) of the Federal Deposit Insurance Act.

17 "Fiduciary" means trustee, agent, executor, administrator,  
18 committee, guardian for a minor or for a person under legal  
19 disability, receiver, trustee in bankruptcy, assignee for  
20 creditors, or any holder of similar position of trust.

21 "Financial institution" means a bank, savings bank,  
22 savings and loan association, credit union, or any licensee  
23 under the Consumer Installment Loan Act or the Sales Finance  
24 Agency Act and, for purposes of Section 48.3, any proprietary  
25 network, funds transfer corporation, or other entity providing  
26 electronic funds transfer services, or any corporate

1 fiduciary, its subsidiaries, affiliates, parent company, or  
2 contractual service provider that is examined by the  
3 Commissioner. For purposes of Section 5c and subsection (b) of  
4 Section 13 of this Act, "financial institution" includes any  
5 proprietary network, funds transfer corporation, or other  
6 entity providing electronic funds transfer services, and any  
7 corporate fiduciary.

8 "Foundation" means the Illinois Bank Examiners' Education  
9 Foundation.

10 "General obligation" means a bond, note, debenture,  
11 security, or other instrument evidencing an obligation of the  
12 government entity that is the issuer that is supported by the  
13 full available resources of the issuer, the principal and  
14 interest of which is payable in whole or in part by taxation.

15 "Guarantee" means an undertaking or promise to answer for  
16 payment of another's debt or performance of another's duty,  
17 liability, or obligation whether "payment guaranteed" or  
18 "collection guaranteed".

19 "In danger of default" means a State or national bank, a  
20 federally chartered insured savings association or an Illinois  
21 state chartered insured savings association with respect to  
22 which the Commissioner or the appropriate federal banking  
23 agency has advised the Federal Deposit Insurance Corporation  
24 that:

25 (1) in the opinion of the Commissioner or the  
26 appropriate federal banking agency,

1 (A) the State or national bank or insured savings  
2 association is not likely to be able to meet the  
3 demands of the State or national bank's or savings  
4 association's obligations in the normal course of  
5 business; and

6 (B) there is no reasonable prospect that the State  
7 or national bank or insured savings association will be  
8 able to meet those demands or pay those obligations  
9 without federal assistance; or

10 (2) in the opinion of the Commissioner or the  
11 appropriate federal banking agency,

12 (A) the State or national bank or insured savings  
13 association has incurred or is likely to incur losses  
14 that will deplete all or substantially all of its  
15 capital; and

16 (B) there is no reasonable prospect that the  
17 capital of the State or national bank or insured  
18 savings association will be replenished without  
19 federal assistance.

20 "In default" means, with respect to a State or national  
21 bank or an insured savings association, any adjudication or  
22 other official determination by any court of competent  
23 jurisdiction, the Commissioner, the appropriate federal  
24 banking agency, or other public authority pursuant to which a  
25 conservator, receiver, or other legal custodian is appointed  
26 for a State or national bank or an insured savings association.

1 "Insured savings association" means any federal savings  
2 association chartered under Section 5 of the federal Home  
3 Owners' Loan Act and any State savings association chartered  
4 under the Illinois Savings and Loan Act of 1985 or a  
5 predecessor Illinois statute, the deposits of which are insured  
6 by the Federal Deposit Insurance Corporation. The term also  
7 includes a savings bank organized or operating under the  
8 Savings Bank Act.

9 "Insured savings association in recovery" means an insured  
10 savings association that is not an eligible depository  
11 institution and that does not meet the minimum capital  
12 requirements applicable with respect to the insured savings  
13 association.

14 "Issuer" means for purposes of Section 33 every person who  
15 shall have issued or proposed to issue any security; except  
16 that (1) with respect to certificates of deposit, voting trust  
17 certificates, collateral-trust certificates, and certificates  
18 of interest or shares in an unincorporated investment trust not  
19 having a board of directors (or persons performing similar  
20 functions), "issuer" means the person or persons performing the  
21 acts and assuming the duties of depositor or manager pursuant  
22 to the provisions of the trust, agreement, or instrument under  
23 which the securities are issued; (2) with respect to trusts  
24 other than those specified in clause (1) above, where the  
25 trustee is a corporation authorized to accept and execute  
26 trusts, "issuer" means the entrusters, depositors, or creators

1 of the trust and any manager or committee charged with the  
2 general direction of the affairs of the trust pursuant to the  
3 provisions of the agreement or instrument creating the trust;  
4 and (3) with respect to equipment trust certificates or like  
5 securities, "issuer" means the person to whom the equipment or  
6 property is or is to be leased or conditionally sold.

7 "Letter of credit" and "customer" shall have the meanings  
8 ascribed to those terms in Section 5-102 of the Uniform  
9 Commercial Code.

10 "Main banking premises" means the location that is  
11 designated in a bank's charter as its main office.

12 "Maker or obligor" means for purposes of Section 33 the  
13 issuer of a security, the promisor in a debenture or other debt  
14 security, or the mortgagor or grantor of a trust deed or  
15 similar conveyance of a security interest in real or personal  
16 property.

17 "Merged bank" means a merging bank that is not the  
18 continuing, resulting, or surviving bank in a consolidation or  
19 merger.

20 "Merger" includes consolidation.

21 "Merging bank" means a party to a bank merger.

22 "Merging trust company" means a trust company party to a  
23 merger with a State bank.

24 "Mid-tier bank holding company" means a corporation that  
25 (a) owns 100% of the issued and outstanding shares of each  
26 class of stock of a State bank, (b) has no other subsidiaries,

1 and (c) 100% of the issued and outstanding shares of the  
2 corporation are owned by a parent bank holding company.

3 "Municipality" means any municipality, political  
4 subdivision, school district, taxing district, or agency.

5 "National bank" means a national banking association  
6 located in this State and after May 31, 1997, means a national  
7 banking association without regard to its location.

8 "Out-of-state bank" means a bank chartered under the laws  
9 of a state other than Illinois, a territory of the United  
10 States, or the District of Columbia.

11 "Parent bank holding company" means a corporation that is a  
12 bank holding company as that term is defined in the Illinois  
13 Bank Holding Company Act of 1957 and owns 100% of the issued  
14 and outstanding shares of a mid-tier bank holding company.

15 "Person" means an individual, corporation, limited  
16 liability company, partnership, joint venture, trust, estate,  
17 or unincorporated association.

18 "Public agency" means the State of Illinois, the various  
19 counties, townships, cities, towns, villages, school  
20 districts, educational service regions, special road  
21 districts, public water supply districts, fire protection  
22 districts, drainage districts, levee districts, sewer  
23 districts, housing authorities, the Illinois Bank Examiners'  
24 Education Foundation, the Chicago Park District, and all other  
25 political corporations or subdivisions of the State of  
26 Illinois, whether now or hereafter created, whether herein

1 specifically mentioned or not, and shall also include any other  
2 state or any political corporation or subdivision of another  
3 state.

4 "Public funds" or "public money" means current operating  
5 funds, special funds, interest and sinking funds, and funds of  
6 any kind or character belonging to, in the custody of, or  
7 subject to the control or regulation of the United States or a  
8 public agency. "Public funds" or "public money" shall include  
9 funds held by any of the officers, agents, or employees of the  
10 United States or of a public agency in the course of their  
11 official duties and, with respect to public money of the United  
12 States, shall include Postal Savings funds.

13 "Published" means, unless the context requires otherwise,  
14 the publishing of the notice or instrument referred to in some  
15 newspaper of general circulation in the community in which the  
16 bank is located at least once each week for 3 successive weeks.  
17 Publishing shall be accomplished by, and at the expense of, the  
18 bank required to publish. Where publishing is required, the  
19 bank shall submit to the Commissioner that evidence of the  
20 publication as the Commissioner shall deem appropriate.

21 "Qualified financial contract" means any security  
22 contract, commodity contract, forward contract, including spot  
23 and forward foreign exchange contracts, repurchase agreement,  
24 swap agreement, and any similar agreement, any option to enter  
25 into any such agreement, including any combination of the  
26 foregoing, and any master agreement for such agreements. A

1 master agreement, together with all supplements thereto, shall  
2 be treated as one qualified financial contract. The contract,  
3 option, agreement, or combination of contracts, options, or  
4 agreements shall be reflected upon the books, accounts, or  
5 records of the bank, or a party to the contract shall provide  
6 documentary evidence of such agreement.

7 "Recorded" means the filing or recording of the notice or  
8 instrument referred to in the office of the Recorder of the  
9 county wherein the bank is located.

10 "Resulting bank" means the bank resulting from a merger or  
11 conversion.

12 "Secretary" means the Secretary of Financial and  
13 Professional Regulation, or a person authorized by the  
14 Secretary or by this Act to act in the Secretary's stead.

15 "Securities" means stocks, bonds, debentures, notes, or  
16 other similar obligations.

17 "Stand-by letter of credit" means a letter of credit under  
18 which drafts are payable upon the condition the customer has  
19 defaulted in performance of a duty, liability, or obligation.

20 "State bank" means any banking corporation that has a  
21 banking charter issued by the Commissioner under this Act.

22 "State Banking Board" means the State Banking Board of  
23 Illinois.

24 "Subsidiary" with respect to a specified company means a  
25 company that is controlled by the specified company. For  
26 purposes of paragraphs (8) and (12) of Section 5 of this Act,

1 "control" means the exercise of operational or managerial  
2 control of a corporation by the bank, either alone or together  
3 with other affiliates of the bank.

4 "Surplus" means the aggregate of (i) amounts paid in excess  
5 of the par value of capital stock and preferred stock; (ii)  
6 amounts contributed other than for capital stock and preferred  
7 stock and allocated to the surplus account; and (iii) amounts  
8 transferred from undivided profits.

9 "Tier 1 Capital" and "Tier 2 Capital" have the meanings  
10 assigned to those terms in regulations promulgated for the  
11 appropriate federal banking agency of a state bank, as those  
12 regulations are now or hereafter amended.

13 "Trust company" means a limited liability company or  
14 corporation incorporated in this State for the purpose of  
15 accepting and executing trusts.

16 "Undivided profits" means undistributed earnings less  
17 discretionary transfers to surplus.

18 "Unimpaired capital and unimpaired surplus", for the  
19 purposes of paragraph (21) of Section 5 and Sections 32, 33,  
20 34, 35.1, 35.2, and 47 of this Act means the sum of the state  
21 bank's Tier 1 Capital and Tier 2 Capital plus such other  
22 shareholder equity as may be included by regulation of the  
23 Commissioner. Unimpaired capital and unimpaired surplus shall  
24 be calculated on the basis of the date of the last quarterly  
25 call report filed with the Commissioner preceding the date of  
26 the transaction for which the calculation is made, provided

1 that: (i) when a material event occurs after the date of the  
2 last quarterly call report filed with the Commissioner that  
3 reduces or increases the bank's unimpaired capital and  
4 unimpaired surplus by 10% or more, then the unimpaired capital  
5 and unimpaired surplus shall be calculated from the date of the  
6 material event for a transaction conducted after the date of  
7 the material event; and (ii) if the Commissioner determines for  
8 safety and soundness reasons that a state bank should calculate  
9 unimpaired capital and unimpaired surplus more frequently than  
10 provided by this paragraph, the Commissioner may by written  
11 notice direct the bank to calculate unimpaired capital and  
12 unimpaired surplus at a more frequent interval. In the case of  
13 a state bank newly chartered under Section 13 or a state bank  
14 resulting from a merger, consolidation, or conversion under  
15 Sections 21 through 26 for which no preceding quarterly call  
16 report has been filed with the Commissioner, unimpaired capital  
17 and unimpaired surplus shall be calculated for the first  
18 calendar quarter on the basis of the effective date of the  
19 charter, merger, consolidation, or conversion.

20 (Source: P.A. 95-924, eff. 8-26-08; 95-1047, eff. 4-6-09;  
21 revised 4-14-09.)

22 Section 355. The Residential Mortgage License Act of 1987  
23 is amended by changing Sections 1-4, 2-2, 2-6, and 4-1 as  
24 follows:

1 (205 ILCS 635/1-4)

2 Sec. 1-4. Definitions.

3 (a) "Residential real property" or "residential real  
4 estate" shall mean any real property located in Illinois, upon  
5 which is constructed or intended to be constructed a dwelling.

6 (b) "Making a residential mortgage loan" or "funding a  
7 residential mortgage loan" shall mean for compensation or gain,  
8 either directly or indirectly, advancing funds or making a  
9 commitment to advance funds to a loan applicant for a  
10 residential mortgage loan.

11 (c) "Soliciting, processing, placing, or negotiating a  
12 residential mortgage loan" shall mean for compensation or gain,  
13 either directly or indirectly, accepting or offering to accept  
14 an application for a residential mortgage loan, assisting or  
15 offering to assist in the processing of an application for a  
16 residential mortgage loan on behalf of a borrower, or  
17 negotiating or offering to negotiate the terms or conditions of  
18 a residential mortgage loan with a lender on behalf of a  
19 borrower including, but not limited to, the submission of  
20 credit packages for the approval of lenders, the preparation of  
21 residential mortgage loan closing documents, including a  
22 closing in the name of a broker.

23 (d) "Exempt person or entity" shall mean the following:

24 (1) (i) Any banking organization or foreign banking  
25 corporation licensed by the Illinois Commissioner of Banks  
26 and Real Estate or the United States Comptroller of the

1 Currency to transact business in this State; (ii) any  
2 national bank, federally chartered savings and loan  
3 association, federal savings bank, federal credit union;  
4 (iii) any pension trust, bank trust, or bank trust company;  
5 (iv) any bank, savings and loan association, savings bank,  
6 or credit union organized under the laws of this or any  
7 other state; (v) any Illinois Consumer Installment Loan Act  
8 licensee; (vi) any insurance company authorized to  
9 transact business in this State; (vii) any entity engaged  
10 solely in commercial mortgage lending; (viii) any service  
11 corporation of a savings and loan association or savings  
12 bank organized under the laws of this State or the service  
13 corporation of a federally chartered savings and loan  
14 association or savings bank having its principal place of  
15 business in this State, other than a service corporation  
16 licensed or entitled to reciprocity under the Real Estate  
17 License Act of 2000; or (ix) any first tier subsidiary of a  
18 bank, the charter of which is issued under the Illinois  
19 Banking Act by the Illinois Commissioner of Banks and Real  
20 Estate, or the first tier subsidiary of a bank chartered by  
21 the United States Comptroller of the Currency and that has  
22 its principal place of business in this State, provided  
23 that the first tier subsidiary is regularly examined by the  
24 Illinois Commissioner of Banks and Real Estate or the  
25 Comptroller of the Currency, or a consumer compliance  
26 examination is regularly conducted by the Federal Reserve

1 Board.

2 (1.5) Any employee of a person or entity mentioned in  
3 item (1) of this subsection, when acting for such person or  
4 entity, or any registered mortgage loan originator when  
5 acting for an entity described in subsection (tt) of this  
6 Section.

7 (2) Any person or entity that does not originate  
8 mortgage loans in the ordinary course of business making or  
9 acquiring residential mortgage loans with his or her or its  
10 own funds for his or her or its own investment without  
11 intent to make, acquire, or resell more than 2 residential  
12 mortgage loans in any one calendar year.

13 (3) Any person employed by a licensee to assist in the  
14 performance of the activities regulated by this Act who is  
15 compensated in any manner by only one licensee.

16 (4) (Blank).

17 (5) Any individual, corporation, partnership, or other  
18 entity that originates, services, or brokers residential  
19 mortgage loans, as these activities are defined in this  
20 Act, and who or which receives no compensation for those  
21 activities, subject to the Commissioner's regulations with  
22 regard to the nature and amount of compensation.

23 (6) (Blank).

24 (e) "Licensee" or "residential mortgage licensee" shall  
25 mean a person, partnership, association, corporation, or any  
26 other entity who or which is licensed pursuant to this Act to

1 engage in the activities regulated by this Act.

2 (f) "Mortgage loan" "residential mortgage loan" or "home  
3 mortgage loan" shall mean any loan primarily for personal,  
4 family, or household use that is secured by a mortgage, deed of  
5 trust, or other equivalent consensual security interest on a  
6 dwelling as defined in Section 103(v) of the federal Truth in  
7 Lending Act, or residential real estate upon which is  
8 constructed or intended to be constructed a dwelling.

9 (g) "Lender" shall mean any person, partnership,  
10 association, corporation, or any other entity who either lends  
11 or invests money in residential mortgage loans.

12 (h) "Ultimate equitable owner" shall mean a person who,  
13 directly or indirectly, owns or controls an ownership interest  
14 in a corporation, foreign corporation, alien business  
15 organization, trust, or any other form of business organization  
16 regardless of whether the person owns or controls the ownership  
17 interest through one or more persons or one or more proxies,  
18 powers of attorney, nominees, corporations, associations,  
19 partnerships, trusts, joint stock companies, or other entities  
20 or devices, or any combination thereof.

21 (i) "Residential mortgage financing transaction" shall  
22 mean the negotiation, acquisition, sale, or arrangement for or  
23 the offer to negotiate, acquire, sell, or arrange for, a  
24 residential mortgage loan or residential mortgage loan  
25 commitment.

26 (j) "Personal residence address" shall mean a street

1 address and shall not include a post office box number.

2 (k) "Residential mortgage loan commitment" shall mean a  
3 contract for residential mortgage loan financing.

4 (l) "Party to a residential mortgage financing  
5 transaction" shall mean a borrower, lender, or loan broker in a  
6 residential mortgage financing transaction.

7 (m) "Payments" shall mean payment of all or any of the  
8 following: principal, interest and escrow reserves for taxes,  
9 insurance and other related reserves, and reimbursement for  
10 lender advances.

11 (n) "Commissioner" shall mean the Commissioner of Banks and  
12 Real Estate, except that, beginning on April 6, 2009 (the  
13 effective date of Public Act 95-1047) ~~this amendatory Act of~~  
14 ~~the 95th General Assembly~~, all references in this Act to the  
15 Commissioner of Banks and Real Estate are deemed, in  
16 appropriate contexts, to be references to the Secretary of  
17 Financial and Professional Regulation, or his or her designee,  
18 including the Director of the Division of Banking of the  
19 Department of Financial and Professional Regulation.

20 (n-1) "Director" shall mean the Director of the Division of  
21 Banking of the Department of Financial and Professional  
22 Regulation, except that, beginning on July 31, 2009 (the  
23 effective date of Public Act 96-112) ~~this amendatory Act of the~~  
24 ~~96th General Assembly~~, all references in this Act to the  
25 Director are deemed, in appropriate contexts, to be the  
26 Secretary of Financial and Professional Regulation, or his or

1 her designee, including the Director of the Division of Banking  
2 of the Department of Financial and Professional Regulation.

3 (o) "Loan brokering", "brokering", or "brokerage service"  
4 shall mean the act of helping to obtain from another entity,  
5 for a borrower, a loan secured by residential real estate  
6 situated in Illinois or assisting a borrower in obtaining a  
7 loan secured by residential real estate situated in Illinois in  
8 return for consideration to be paid by either the borrower or  
9 the lender including, but not limited to, contracting for the  
10 delivery of residential mortgage loans to a third party lender  
11 and soliciting, processing, placing, or negotiating  
12 residential mortgage loans.

13 (p) "Loan broker" or "broker" shall mean a person,  
14 partnership, association, corporation, or limited liability  
15 company, other than those persons, partnerships, associations,  
16 corporations, or limited liability companies exempted from  
17 licensing pursuant to Section 1-4, subsection (d), of this Act,  
18 who performs the activities described in subsections (c) and  
19 (o) of this Section.

20 (q) "Servicing" shall mean the collection or remittance for  
21 or the right or obligation to collect or remit for any lender,  
22 noteowner, noteholder, or for a licensee's own account, of  
23 payments, interests, principal, and trust items such as hazard  
24 insurance and taxes on a residential mortgage loan in  
25 accordance with the terms of the residential mortgage loan; and  
26 includes loan payment follow-up, delinquency loan follow-up,

1 loan analysis and any notifications to the borrower that are  
2 necessary to enable the borrower to keep the loan current and  
3 in good standing.

4 (r) "Full service office" shall mean an office, provided by  
5 the licensee and not subleased from the licensee's employees,  
6 and staff in Illinois reasonably adequate to handle efficiently  
7 communications, questions, and other matters relating to any  
8 application for, or an existing home mortgage secured by  
9 residential real estate situated in Illinois with respect to  
10 which the licensee is brokering, funding originating,  
11 purchasing, or servicing. The management and operation of each  
12 full service office must include observance of good business  
13 practices such as adequate, organized, and accurate books and  
14 records; ample phone lines, hours of business, staff training  
15 and supervision, and provision for a mechanism to resolve  
16 consumer inquiries, complaints, and problems. The Commissioner  
17 shall issue regulations with regard to these requirements and  
18 shall include an evaluation of compliance with this Section in  
19 his or her periodic examination of each licensee.

20 (s) "Purchasing" shall mean the purchase of conventional or  
21 government-insured mortgage loans secured by residential real  
22 estate situated in Illinois from either the lender or from the  
23 secondary market.

24 (t) "Borrower" shall mean the person or persons who seek  
25 the services of a loan broker, originator, or lender.

26 (u) "Originating" shall mean the issuing of commitments for

1 and funding of residential mortgage loans.

2 (v) "Loan brokerage agreement" shall mean a written  
3 agreement in which a broker or loan broker agrees to do either  
4 of the following:

5 (1) obtain a residential mortgage loan for the borrower  
6 or assist the borrower in obtaining a residential mortgage  
7 loan; or

8 (2) consider making a residential mortgage loan to the  
9 borrower.

10 (w) "Advertisement" shall mean the attempt by publication,  
11 dissemination, or circulation to induce, directly or  
12 indirectly, any person to enter into a residential mortgage  
13 loan agreement or residential mortgage loan brokerage  
14 agreement relative to a mortgage secured by residential real  
15 estate situated in Illinois.

16 (x) "Residential Mortgage Board" shall mean the  
17 Residential Mortgage Board created in Section 1-5 of this Act.

18 (y) "Government-insured mortgage loan" shall mean any  
19 mortgage loan made on the security of residential real estate  
20 insured by the Department of Housing and Urban Development or  
21 Farmers Home Loan Administration, or guaranteed by the Veterans  
22 Administration.

23 (z) "Annual audit" shall mean a certified audit of the  
24 licensee's books and records and systems of internal control  
25 performed by a certified public accountant in accordance with  
26 generally accepted accounting principles and generally

1 accepted auditing standards.

2 (aa) "Financial institution" shall mean a savings and loan  
3 association, savings bank, credit union, or a bank organized  
4 under the laws of Illinois or a savings and loan association,  
5 savings bank, credit union or a bank organized under the laws  
6 of the United States and headquartered in Illinois.

7 (bb) "Escrow agent" shall mean a third party, individual or  
8 entity charged with the fiduciary obligation for holding escrow  
9 funds on a residential mortgage loan pending final payout of  
10 those funds in accordance with the terms of the residential  
11 mortgage loan.

12 (cc) "Net worth" shall have the meaning ascribed thereto in  
13 Section 3-5 of this Act.

14 (dd) "Affiliate" shall mean:

15 (1) any entity that directly controls or is controlled  
16 by the licensee and any other company that is directly  
17 affecting activities regulated by this Act that is  
18 controlled by the company that controls the licensee;

19 (2) any entity:

20 (A) that is controlled, directly or indirectly, by  
21 a trust or otherwise, by or for the benefit of  
22 shareholders who beneficially or otherwise control,  
23 directly or indirectly, by trust or otherwise, the  
24 licensee or any company that controls the licensee; or

25 (B) a majority of the directors or trustees of  
26 which constitute a majority of the persons holding any

1           such office with the licensee or any company that  
2           controls the licensee;

3           (3) any company, including a real estate investment  
4           trust, that is sponsored and advised on a contractual basis  
5           by the licensee or any subsidiary or affiliate of the  
6           licensee.

7           The Commissioner may define by rule and regulation any  
8           terms used in this Act for the efficient and clear  
9           administration of this Act.

10          (ee) "First tier subsidiary" shall be defined by regulation  
11          incorporating the comparable definitions used by the Office of  
12          the Comptroller of the Currency and the Illinois Commissioner  
13          of Banks and Real Estate.

14          (ff) "Gross delinquency rate" means the quotient  
15          determined by dividing (1) the sum of (i) the number of  
16          government-insured residential mortgage loans funded or  
17          purchased by a licensee in the preceding calendar year that are  
18          delinquent and (ii) the number of conventional residential  
19          mortgage loans funded or purchased by the licensee in the  
20          preceding calendar year that are delinquent by (2) the sum of  
21          (i) the number of government-insured residential mortgage  
22          loans funded or purchased by the licensee in the preceding  
23          calendar year and (ii) the number of conventional residential  
24          mortgage loans funded or purchased by the licensee in the  
25          preceding calendar year.

26          (gg) "Delinquency rate factor" means the factor set by rule

1 of the Commissioner that is multiplied by the average gross  
2 delinquency rate of licensees, determined annually for the  
3 immediately preceding calendar year, for the purpose of  
4 determining which licensees shall be examined by the  
5 Commissioner pursuant to subsection (b) of Section 4-8 of this  
6 Act.

7 (hh) "Loan originator" means any natural person who, for  
8 compensation or in the expectation of compensation, either  
9 directly or indirectly makes, offers to make, solicits, places,  
10 or negotiates a residential mortgage loan. This definition  
11 applies only to Section 7-1 of this Act.

12 (ii) "Confidential supervisory information" means any  
13 report of examination, visitation, or investigation prepared  
14 by the Commissioner under this Act, any report of examination  
15 visitation, or investigation prepared by the state regulatory  
16 authority of another state that examines a licensee, any  
17 document or record prepared or obtained in connection with or  
18 relating to any examination, visitation, or investigation, and  
19 any record prepared or obtained by the Commissioner to the  
20 extent that the record summarizes or contains information  
21 derived from any report, document, or record described in this  
22 subsection. "Confidential supervisory information" does not  
23 include any information or record routinely prepared by a  
24 licensee and maintained in the ordinary course of business or  
25 any information or record that is required to be made publicly  
26 available pursuant to State or federal law or rule.

1 (jj) "Mortgage loan originator" means an individual who for  
2 compensation or gain or in the expectation of compensation or  
3 gain:

4 (i) takes a residential mortgage loan application; or

5 (ii) offers or negotiates terms of a residential  
6 mortgage loan.

7 "Mortgage loan originator" does not include an individual  
8 engaged solely as a loan processor or underwriter except as  
9 otherwise provided in subsection (d) of Section 7-1A of this  
10 Act.

11 "Mortgage loan originator" does not include a person or  
12 entity that only performs real estate brokerage activities and  
13 is licensed in accordance with the Real Estate License Act of  
14 2000, unless the person or entity is compensated by a lender, a  
15 mortgage broker, or other mortgage loan originator, or by any  
16 agent of that lender, mortgage broker, or other mortgage loan  
17 originator.

18 "Mortgage loan originator" does not include a person or  
19 entity solely involved in extensions of credit relating to  
20 timeshare plans, as that term is defined in Section 101(53D) of  
21 Title 11, United States Code.

22 (kk) "Depository institution" has the same meaning as in  
23 Section 3 of the Federal Deposit Insurance Act, and includes  
24 any credit union.

25 (ll) "Dwelling" means a residential structure or mobile  
26 home which contains one to 4 family housing units, or

1 individual units of condominiums or cooperatives.

2 (mm) "Immediate family member" means a spouse, child,  
3 sibling, parent, grandparent, or grandchild, and includes  
4 step-parents, step-children, step-siblings, or adoptive  
5 relationships.

6 (nn) "Individual" means a natural person.

7 (oo) "Loan processor or underwriter" means an individual  
8 who performs clerical or support duties as an employee at the  
9 direction of and subject to the supervision and instruction of  
10 a person licensed, or exempt from licensing, under this Act.  
11 "Clerical or support duties" includes subsequent to the receipt  
12 of an application:

13 (i) the receipt, collection, distribution, and  
14 analysis of information common for the processing or  
15 underwriting of a residential mortgage loan; and

16 (ii) communicating with a consumer to obtain the  
17 information necessary for the processing or underwriting  
18 of a loan, to the extent that the communication does not  
19 include offering or negotiating loan rates or terms, or  
20 counseling consumers about residential mortgage loan rates  
21 or terms. An individual engaging solely in loan processor  
22 or underwriter activities shall not represent to the  
23 public, through advertising or other means of  
24 communicating or providing information, including the use  
25 of business cards, stationery, brochures, signs, rate  
26 lists, or other promotional items, that the individual can

1 or will perform any of the activities of a mortgage loan  
2 originator.

3 (pp) "Nationwide Mortgage Licensing System and Registry"  
4 means a mortgage licensing system developed and maintained by  
5 the Conference of State Bank Supervisors and the American  
6 Association of Residential Mortgage Regulators for the  
7 licensing and registration of licensed mortgage loan  
8 originators.

9 (qq) "Nontraditional mortgage product" means any mortgage  
10 product other than a 30-year fixed rate mortgage.

11 (rr) "Person" means a natural person, corporation,  
12 company, limited liability company, partnership, or  
13 association.

14 (ss) "Real estate brokerage activity" means any activity  
15 that involves offering or providing real estate brokerage  
16 services to the public, including:

17 (1) acting as a real estate agent or real estate broker  
18 for a buyer, seller, lessor, or lessee of real property;

19 (2) bringing together parties interested in the sale,  
20 purchase, lease, rental, or exchange of real property;

21 (3) negotiating, on behalf of any party, any portion of  
22 a contract relating to the sale, purchase, lease, rental,  
23 or exchange of real property, other than in connection with  
24 providing financing with respect to any such transaction;

25 (4) engaging in any activity for which a person engaged  
26 in the activity is required to be registered or licensed as

1 a real estate agent or real estate broker under any  
2 applicable law; or

3 (5) offering to engage in any activity, or act in any  
4 capacity, described in this subsection (ss).

5 (tt) "Registered mortgage loan originator" means any  
6 individual that:

7 (1) meets the definition of mortgage loan originator  
8 and is an employee of:

9 (A) a depository institution;

10 (B) a subsidiary that is:

11 (i) owned and controlled by a depository  
12 institution; and

13 (ii) regulated by a federal banking agency; or

14 (C) an institution regulated by the Farm Credit  
15 Administration; and

16 (2) is registered with, and maintains a unique  
17 identifier through, the Nationwide Mortgage Licensing  
18 System and Registry.

19 (uu) "Unique identifier" means a number or other identifier  
20 assigned by protocols established by the Nationwide Mortgage  
21 Licensing System and Registry.

22 (vv) "Residential mortgage license" means a license issued  
23 pursuant to Section 1-3, 2-2, or 2-6 of this Act.

24 (ww) "Mortgage loan originator license" means a license  
25 issued pursuant to Section 7-1A, 7-3, or 7-6 of this Act.

26 (xx) ~~(jj)~~ "Secretary" means the Secretary of the Department

1 of Financial and Professional Regulation, or a person  
2 authorized by the Secretary or by this Act to act in the  
3 Secretary's stead.

4 (Source: P.A. 95-1047, eff. 4-6-09; 96-112, eff. 7-31-09;  
5 revised 8-20-09.)

6 (205 ILCS 635/2-2)

7 Sec. 2-2. Application process; investigation; fee.

8 (a) The Secretary shall issue a license upon completion of  
9 all of the following:

10 (1) The filing of an application for license with the  
11 Director or the Nationwide Mortgage Licensing System and  
12 Registry as approved by the Director.

13 (2) The filing with the Secretary of a listing of  
14 judgments entered against, and bankruptcy petitions by,  
15 the license applicant for the preceding 10 years.

16 (3) The payment, in certified funds, of investigation  
17 and application fees, the total of which shall be in an  
18 amount equal to \$2,043 annually. To comply with the common  
19 renewal date and requirements of the Nationwide Mortgage  
20 Licensing System and Registry, the term of initial licenses  
21 may be extended or shortened with applicable fees prorated  
22 or combined accordingly.

23 (4) Except for a broker applying to renew a license,  
24 the filing of an audited balance sheet including all  
25 footnotes prepared by a certified public accountant in

1           accordance with generally accepted accounting principles  
2           and generally accepted auditing principles which evidences  
3           that the applicant meets the net worth requirements of  
4           Section 3-5.

5           (5) The filing of proof satisfactory to the  
6           Commissioner that the applicant, the members thereof if the  
7           applicant is a partnership or association, the members or  
8           managers thereof that retain any authority or  
9           responsibility under the operating agreement if the  
10          applicant is a limited liability company, or the officers  
11          thereof if the applicant is a corporation have 3 years  
12          experience preceding application in real estate finance.  
13          Instead of this requirement, the applicant and the  
14          applicant's officers or members, as applicable, may  
15          satisfactorily complete a program of education in real  
16          estate finance and fair lending, as approved by the  
17          Commissioner, prior to receiving the initial license. The  
18          Commissioner shall promulgate rules regarding proof of  
19          experience requirements and educational requirements and  
20          the satisfactory completion of those requirements. The  
21          Commissioner may establish by rule a list of duly licensed  
22          professionals and others who may be exempt from this  
23          requirement.

24          (6) An investigation of the averments required by  
25          Section 2-4, which investigation must allow the  
26          Commissioner to issue positive findings stating that the

1 financial responsibility, experience, character, and  
2 general fitness of the license applicant and of the members  
3 thereof if the license applicant is a partnership or  
4 association, of the officers and directors thereof if the  
5 license applicant is a corporation, and of the managers and  
6 members that retain any authority or responsibility under  
7 the operating agreement if the license applicant is a  
8 limited liability company are such as to command the  
9 confidence of the community and to warrant belief that the  
10 business will be operated honestly, fairly and efficiently  
11 within the purpose of this Act. If the Commissioner shall  
12 not so find, he or she shall not issue such license, and he  
13 or she shall notify the license applicant of the denial.

14 The Commissioner may impose conditions on a license if the  
15 Commissioner determines that the conditions are necessary or  
16 appropriate. These conditions shall be imposed in writing and  
17 shall continue in effect for the period prescribed by the  
18 Commissioner.

19 (b) All licenses shall be issued to the license applicant.

20 Upon receipt of such license, a residential mortgage  
21 licensee shall be authorized to engage in the business  
22 regulated by this Act. Such license shall remain in full force  
23 and effect until it expires without renewal, is surrendered by  
24 the licensee or revoked or suspended as hereinafter provided.

25 (Source: P.A. 95-1047, eff. 4-6-09; 96-112, eff. 7-31-09;  
26 revised 8-20-09.)

1 (205 ILCS 635/2-6)

2 Sec. 2-6. License issuance and renewal; fee.

3 (a) Beginning July 1, 2003, licenses shall be renewed every  
4 year on the anniversary of the date of issuance of the original  
5 license, or the common renewal date of the Nationwide Mortgage  
6 Licensing System and Registry as adopted by the Director. To  
7 comply with the common renewal date of the Nationwide Mortgage  
8 Licensing System and Registry, the term of existing licenses  
9 may be extended or shortened with applicable fees prorated  
10 accordingly. Properly completed renewal application forms and  
11 filing fees must be received by the Secretary 60 days prior to  
12 the renewal date.

13 (b) It shall be the responsibility of each licensee to  
14 accomplish renewal of its license; failure of the licensee to  
15 receive renewal forms absent a request sent by certified mail  
16 for such forms will not waive said responsibility. Failure by a  
17 licensee to submit a properly completed renewal application  
18 form and fees in a timely fashion, absent a written extension  
19 from the Secretary, will result in the assessment of additional  
20 fees, as follows:

21 (1) A fee of \$567.50 will be assessed to the licensee  
22 30 days after the proper renewal date and \$1,135 each month  
23 thereafter, until the license is either renewed or expires  
24 pursuant to Section 2-6, subsections (c) and (d), of this  
25 Act.

1           (2) Such fee will be assessed without prior notice to  
2           the licensee, but will be assessed only in cases wherein  
3           the Secretary has in his or her possession documentation of  
4           the licensee's continuing activity for which the unrenewed  
5           license was issued.

6           (c) A license which is not renewed by the date required in  
7           this Section shall automatically become inactive. No activity  
8           regulated by this Act shall be conducted by the licensee when a  
9           license becomes inactive. The Commissioner may require the  
10          licensee to provide a plan for the disposition of any  
11          residential mortgage loans not closed or funded when the  
12          license becomes inactive. The Commissioner may allow a licensee  
13          with an inactive license to conduct activities regulated by  
14          this Act for the sole purpose of assisting borrowers in the  
15          closing or funding of loans for which the loan application was  
16          taken from a borrower while the license was active. An inactive  
17          license may be reactivated by the Commissioner upon payment of  
18          the renewal fee, and payment of a reactivation fee equal to the  
19          renewal fee.

20          (d) A license which is not renewed within one year of  
21          becoming inactive shall expire.

22          (e) A licensee ceasing an activity or activities regulated  
23          by this Act and desiring to no longer be licensed shall so  
24          inform the Commissioner in writing and, at the same time,  
25          convey the license and all other symbols or indicia of  
26          licensure. The licensee shall include a plan for the withdrawal

1 from regulated business, including a timetable for the  
2 disposition of the business, and comply with the surrender  
3 guidelines or requirements of the Director. Upon receipt of  
4 such written notice, the Commissioner shall post the  
5 cancellation or issue a certified statement canceling the  
6 license.

7 (Source: P.A. 95-1047, eff. 4-6-09; 96-112, eff. 7-31-09;  
8 revised 8-20-09.)

9 (205 ILCS 635/4-1) (from Ch. 17, par. 2324-1)

10 Sec. 4-1. Commissioner of Banks and Real Estate; functions,  
11 powers, and duties. The functions, powers, and duties of the  
12 Commissioner of Banks and Real Estate shall include the  
13 following:

14 (a) to issue or refuse to issue any license as provided  
15 by this Act;

16 (b) to revoke or suspend for cause any license issued  
17 under this Act;

18 (c) to keep records of all licenses issued under this  
19 Act;

20 (d) to receive, consider, investigate, and act upon  
21 complaints made by any person in connection with any  
22 residential mortgage licensee in this State;

23 (e) to consider and act upon any recommendations from  
24 the Residential Mortgage Board;

25 (f) to prescribe the forms of and receive:

1           (1) applications for licenses; and

2           (2) all reports and all books and records required  
3           to be made by any licensee under this Act, including  
4           annual audited financial statements and annual reports  
5           of mortgage activity;

6           (g) to adopt rules and regulations necessary and proper  
7           for the administration of this Act;

8           (h) to subpoena documents and witnesses and compel  
9           their attendance and production, to administer oaths, and  
10          to require the production of any books, papers, or other  
11          materials relevant to any inquiry authorized by this Act;

12          (h-1) to issue orders against any person, if the  
13          Commissioner has reasonable cause to believe that an  
14          unsafe, unsound, or unlawful practice has occurred, is  
15          occurring, or is about to occur, if any person has  
16          violated, is violating, or is about to violate any law,  
17          rule, or written agreement with the Commissioner, or for  
18          the purpose of administering the provisions of this Act and  
19          any rule adopted in accordance with the Act;

20          (h-2) to address any inquiries to any licensee, or the  
21          officers thereof, in relation to its activities and  
22          conditions, or any other matter connected with its affairs,  
23          and it shall be the duty of any licensee or person so  
24          addressed, to promptly reply in writing to such inquiries.  
25          The Commissioner may also require reports from any licensee  
26          at any time the Commissioner may deem desirable;

1           (i) to require information with regard to any license  
2           applicant as he or she may deem desirable, with due regard  
3           to the paramount interests of the public as to the  
4           experience, background, honesty, truthfulness, integrity,  
5           and competency of the license applicant as to financial  
6           transactions involving primary or subordinate mortgage  
7           financing, and where the license applicant is an entity  
8           other than an individual, as to the honesty, truthfulness,  
9           integrity, and competency of any officer or director of the  
10          corporation, association, or other entity, or the members  
11          of a partnership;

12          (j) to examine the books and records of every licensee  
13          under this Act at intervals as specified in Section 4-2;

14          (k) to enforce provisions of this Act;

15          (l) to levy fees, fines, and charges for services  
16          performed in administering this Act; the aggregate of all  
17          fees collected by the Commissioner on and after the  
18          effective date of this Act shall be paid promptly after  
19          receipt of the same, accompanied by a detailed statement  
20          thereof, into the Savings and Residential Finance  
21          Regulatory Fund; the amounts deposited into that Fund shall  
22          be used for the ordinary and contingent expenses of the  
23          Office of Banks and Real Estate. Nothing in this Act shall  
24          prevent continuing the practice of paying expenses  
25          involving salaries, retirement, social security, and  
26          State-paid insurance of State officers by appropriation

1 from the General Revenue Fund.

2 (m) to appoint examiners, supervisors, experts, and  
3 special assistants as needed to effectively and  
4 efficiently administer this Act;

5 (n) to conduct hearings for the purpose of:

6 (1) appeals of orders of the Commissioner;

7 (2) suspensions or revocations of licenses, or  
8 fining of licensees;

9 (3) investigating:

10 (i) complaints against licensees; or

11 (ii) annual gross delinquency rates; and

12 (4) carrying out the purposes of this Act;

13 (o) to exercise exclusive visitorial power over a  
14 licensee unless otherwise authorized by this Act or as  
15 vested in the courts, or upon prior consultation with the  
16 Commissioner, a foreign residential mortgage regulator  
17 with an appropriate supervisory interest in the parent or  
18 affiliate of a licensee;

19 (p) to enter into cooperative agreements with state  
20 regulatory authorities of other states to provide for  
21 examination of corporate offices or branches of those  
22 states and to accept reports of such examinations;

23 (q) to assign an examiner or examiners to monitor the  
24 affairs of a licensee with whatever frequency the  
25 Commissioner determines appropriate and to charge the  
26 licensee for reasonable and necessary expenses of the

1 Commissioner, if in the opinion of the Commissioner an  
2 emergency exists or appears likely to occur; ~~and~~

3 (r) to impose civil penalties of up to \$50 per day  
4 against a licensee for failing to respond to a regulatory  
5 request or reporting requirement; and -

6 (s) to enter into agreements in connection with the  
7 Nationwide Mortgage Licensing System and Registry.

8 (Source: P.A. 96-112, eff. 7-31-09; revised 11-3-09.)

9 Section 360. The Alternative Health Care Delivery Act is  
10 amended by changing Section 30 as follows:

11 (210 ILCS 3/30)

12 Sec. 30. Demonstration program requirements. The  
13 requirements set forth in this Section shall apply to  
14 demonstration programs.

15 (a) There shall be no more than:

16 (i) 3 subacute care hospital alternative health care  
17 models in the City of Chicago (one of which shall be  
18 located on a designated site and shall have been licensed  
19 as a hospital under the Illinois Hospital Licensing Act  
20 within the 10 years immediately before the application for  
21 a license);

22 (ii) 2 subacute care hospital alternative health care  
23 models in the demonstration program for each of the  
24 following areas:

- 1 (1) Cook County outside the City of Chicago.
- 2 (2) DuPage, Kane, Lake, McHenry, and Will
- 3 Counties.
- 4 (3) Municipalities with a population greater than
- 5 50,000 not located in the areas described in item (i)
- 6 of subsection (a) and paragraphs (1) and (2) of item
- 7 (ii) of subsection (a); and
- 8 (iii) 4 subacute care hospital alternative health care
- 9 models in the demonstration program for rural areas.

10 In selecting among applicants for these licenses in rural  
11 areas, the Health Facilities and Services Review Board and the  
12 Department shall give preference to hospitals that may be  
13 unable for economic reasons to provide continued service to the  
14 community in which they are located unless the hospital were to  
15 receive an alternative health care model license.

16 (a-5) There shall be no more than the total number of  
17 postsurgical recovery care centers with a certificate of need  
18 for beds as of January 1, 2008.

19 (a-10) There shall be no more than a total of 9 children's  
20 respite care center alternative health care models in the  
21 demonstration program, which shall be located as follows:

- 22 (1) Two in the City of Chicago.
- 23 (2) One in Cook County outside the City of Chicago.
- 24 (3) A total of 2 in the area comprised of DuPage, Kane,
- 25 Lake, McHenry, and Will counties.
- 26 (4) A total of 2 in municipalities with a population of

1           50,000 or more and not located in the areas described in  
2           paragraphs (1), (2), or (3).

3           (5) A total of 2 in rural areas, as defined by the  
4           Health Facilities and Services Review Board.

5           No more than one children's respite care model owned and  
6           operated by a licensed skilled pediatric facility shall be  
7           located in each of the areas designated in this subsection  
8           (a-10).

9           (a-15) There shall be 2 authorized community-based  
10          residential rehabilitation center alternative health care  
11          models in the demonstration program.

12          (a-20) There shall be an authorized Alzheimer's disease  
13          management center alternative health care model in the  
14          demonstration program. The Alzheimer's disease management  
15          center shall be located in Will County, owned by a  
16          not-for-profit entity, and endorsed by a resolution approved by  
17          the county board before the effective date of this amendatory  
18          Act of the 91st General Assembly.

19          (a-25) There shall be no more than 10 birth center  
20          alternative health care models in the demonstration program,  
21          located as follows:

22                 (1) Four in the area comprising Cook, DuPage, Kane,  
23                 Lake, McHenry, and Will counties, one of which shall be  
24                 owned or operated by a hospital and one of which shall be  
25                 owned or operated by a federally qualified health center.

26                 (2) Three in municipalities with a population of 50,000

1 or more not located in the area described in paragraph (1)  
2 of this subsection, one of which shall be owned or operated  
3 by a hospital and one of which shall be owned or operated  
4 by a federally qualified health center.

5 (3) Three in rural areas, one of which shall be owned  
6 or operated by a hospital and one of which shall be owned  
7 or operated by a federally qualified health center.

8 The first 3 birth centers authorized to operate by the  
9 Department shall be located in or predominantly serve the  
10 residents of a health professional shortage area as determined  
11 by the United States Department of Health and Human Services.  
12 There shall be no more than 2 birth centers authorized to  
13 operate in any single health planning area for obstetric  
14 services as determined under the Illinois Health Facilities  
15 Planning Act. If a birth center is located outside of a health  
16 professional shortage area, (i) the birth center shall be  
17 located in a health planning area with a demonstrated need for  
18 obstetrical service beds, as determined by the Health  
19 Facilities and Services Review Board or (ii) there must be a  
20 reduction in the existing number of obstetrical service beds in  
21 the planning area so that the establishment of the birth center  
22 does not result in an increase in the total number of  
23 obstetrical service beds in the health planning area.

24 (b) Alternative health care models, other than a model  
25 authorized under subsection (a-10) or ~~subsections (a-10) and~~  
26 (a-20), shall obtain a certificate of need from the Health

1 Facilities and Services Review Board under the Illinois Health  
2 Facilities Planning Act before receiving a license by the  
3 Department. If, after obtaining its initial certificate of  
4 need, an alternative health care delivery model that is a  
5 community based residential rehabilitation center seeks to  
6 increase the bed capacity of that center, it must obtain a  
7 certificate of need from the Health Facilities and Services  
8 Review Board before increasing the bed capacity. Alternative  
9 health care models in medically underserved areas shall receive  
10 priority in obtaining a certificate of need.

11 (c) An alternative health care model license shall be  
12 issued for a period of one year and shall be annually renewed  
13 if the facility or program is in substantial compliance with  
14 the Department's rules adopted under this Act. A licensed  
15 alternative health care model that continues to be in  
16 substantial compliance after the conclusion of the  
17 demonstration program shall be eligible for annual renewals  
18 unless and until a different licensure program for that type of  
19 health care model is established by legislation, except that a  
20 postsurgical recovery care center meeting the following  
21 requirements may apply within 3 years after August 25, 2009  
22 (the effective date of Public Act 96-669) ~~this amendatory Act~~  
23 ~~of the 96th General Assembly~~ for a Certificate of Need permit  
24 to operate as a hospital:

25 (1) The postsurgical recovery care center shall apply  
26 to the Illinois Health Facilities Planning Board for a

1 Certificate of Need permit to discontinue the postsurgical  
2 recovery care center and to establish a hospital.

3 (2) If the postsurgical recovery care center obtains a  
4 Certificate of Need permit to operate as a hospital, it  
5 shall apply for licensure as a hospital under the Hospital  
6 Licensing Act and shall meet all statutory and regulatory  
7 requirements of a hospital.

8 (3) After obtaining licensure as a hospital, any  
9 license as an ambulatory surgical treatment center and any  
10 license as a post-surgical recovery care center shall be  
11 null and void.

12 (4) The former postsurgical recovery care center that  
13 receives a hospital license must seek and use its best  
14 efforts to maintain certification under Titles XVIII and  
15 XIX of the federal Social Security Act.

16 The Department may issue a provisional license to any  
17 alternative health care model that does not substantially  
18 comply with the provisions of this Act and the rules adopted  
19 under this Act if (i) the Department finds that the alternative  
20 health care model has undertaken changes and corrections which  
21 upon completion will render the alternative health care model  
22 in substantial compliance with this Act and rules and (ii) the  
23 health and safety of the patients of the alternative health  
24 care model will be protected during the period for which the  
25 provisional license is issued. The Department shall advise the  
26 licensee of the conditions under which the provisional license

1 is issued, including the manner in which the alternative health  
2 care model fails to comply with the provisions of this Act and  
3 rules, and the time within which the changes and corrections  
4 necessary for the alternative health care model to  
5 substantially comply with this Act and rules shall be  
6 completed.

7 (d) Alternative health care models shall seek  
8 certification under Titles XVIII and XIX of the federal Social  
9 Security Act. In addition, alternative health care models shall  
10 provide charitable care consistent with that provided by  
11 comparable health care providers in the geographic area.

12 (d-5) The Department of Healthcare and Family Services  
13 (formerly Illinois Department of Public Aid), in cooperation  
14 with the Illinois Department of Public Health, shall develop  
15 and implement a reimbursement methodology for all facilities  
16 participating in the demonstration program. The Department of  
17 Healthcare and Family Services shall keep a record of services  
18 provided under the demonstration program to recipients of  
19 medical assistance under the Illinois Public Aid Code and shall  
20 submit an annual report of that information to the Illinois  
21 Department of Public Health.

22 (e) Alternative health care models shall, to the extent  
23 possible, link and integrate their services with nearby health  
24 care facilities.

25 (f) Each alternative health care model shall implement a  
26 quality assurance program with measurable benefits and at

1 reasonable cost.

2 (Source: P.A. 95-331, eff. 8-21-07; 95-445, eff. 1-1-08; 96-31,  
3 eff. 6-30-09; 96-129, eff. 8-4-09; 96-669, eff. 8-25-09;  
4 96-812, eff. 1-1-10; revised 11-4-09.)

5 Section 365. The Assisted Living and Shared Housing Act is  
6 amended by changing Section 145 as follows:

7 (210 ILCS 9/145)

8 (Text of Section before amendment by P.A. 96-339)

9 Sec. 145. Conversion of facilities. Entities licensed as  
10 facilities under the Nursing Home Care Act may elect to convert  
11 to a license under this Act. Any facility that chooses to  
12 convert, in whole or in part, shall follow the requirements in  
13 the Nursing Home Care Act and rules promulgated under that Act  
14 regarding voluntary closure and notice to residents. Any  
15 conversion of existing beds licensed under the Nursing Home  
16 Care Act to licensure under this Act is exempt from review by  
17 the Health Facilities and Services Review Board.

18 (Source: P.A. 96-31, eff. 6-30-09.)

19 (Text of Section after amendment by P.A. 96-339)

20 Sec. 145. Conversion of facilities. Entities licensed as  
21 facilities under the Nursing Home Care Act or the MR/DD  
22 Community Care Act may elect to convert to a license under this  
23 Act. Any facility that chooses to convert, in whole or in part,

1 shall follow the requirements in the Nursing Home Care Act or  
2 the MR/DD Community Care Act, as applicable, and rules  
3 promulgated under those Acts regarding voluntary closure and  
4 notice to residents. Any conversion of existing beds licensed  
5 under the Nursing Home Care Act or the MR/DD Community Care Act  
6 to licensure under this Act is exempt from review by the Health  
7 Facilities and Services Review Board.

8 (Source: P.A. 96-31, eff. 6-30-09; 96-339, eff. 7-1-10; revised  
9 9-25-09.)

10 Section 370. The MR/DD Community Care Act is amended by  
11 changing Sections 1-113, 2-101.1, 2-201, 3-206.03, 3-215,  
12 3-305, 3-401, and 3-517 as follows:

13 (210 ILCS 47/1-113)

14 (This Section may contain text from a Public Act with a  
15 delayed effective date)

16 Sec. 1-113. Facility. "MR/DD facility" or "facility" means  
17 an intermediate care facility for the developmentally disabled  
18 or a long-term care for under age 22 facility, whether operated  
19 for profit or not, which provides, through its ownership or  
20 management, personal care or nursing for 3 or more persons not  
21 related to the applicant or owner by blood or marriage. It  
22 includes intermediate care facilities for the mentally  
23 retarded as the term is defined in Title XVIII and Title XIX of  
24 the federal Social Security Act.

1 "Facility" does not include the following:

2 (1) A home, institution, or other place operated by the  
3 federal government or agency thereof, or by the State of  
4 Illinois, other than homes, institutions, or other places  
5 operated by or under the authority of the Illinois  
6 Department of Veterans' Affairs;

7 (2) A hospital, sanitarium, or other institution whose  
8 principal activity or business is the diagnosis, care, and  
9 treatment of human illness through the maintenance and  
10 operation as organized facilities therefore, which is  
11 required to be licensed under the Hospital Licensing Act;

12 (3) Any "facility for child care" as defined in the  
13 Child Care Act of 1969;

14 (4) Any "community living facility" as defined in the  
15 Community Living Facilities Licensing Act;

16 (5) Any "community residential alternative" as defined  
17 in the Community Residential Alternatives Licensing Act;

18 (6) Any nursing home or sanatorium operated solely by  
19 and for persons who rely exclusively upon treatment by  
20 spiritual means through prayer, in accordance with the  
21 creed or tenets of any well recognized church or religious  
22 denomination. However, such nursing home or sanatorium  
23 shall comply with all local laws and rules relating to  
24 sanitation and safety;

25 (7) Any facility licensed by the Department of Human  
26 Services as a community-integrated ~~community-integrated~~

1 living arrangement as defined in the Community-Integrated  
2 ~~Community-Integrated~~ Living Arrangements Licensure and  
3 Certification Act;

4 (8) Any "supportive residence" licensed under the  
5 Supportive Residences Licensing Act;

6 (9) Any "supportive living facility" in good standing  
7 with the program established under Section 5-5.01a of the  
8 Illinois Public Aid Code, except only for purposes of the  
9 employment of persons in accordance with Section 3-206.01;

10 (10) Any assisted living or shared housing  
11 establishment licensed under the Assisted Living and  
12 Shared Housing Act, except only for purposes of the  
13 employment of persons in accordance with Section 3-206.01;

14 (11) An Alzheimer's disease management center  
15 alternative health care model licensed under the  
16 Alternative Health Care Delivery Act; or

17 (12) A home, institution, or other place operated by or  
18 under the authority of the Illinois Department of Veterans'  
19 Affairs.

20 (Source: P.A. 96-339, eff. 7-1-10; revised 11-3-09.)

21 (210 ILCS 47/2-101.1)

22 (This Section may contain text from a Public Act with a  
23 delayed effective date)

24 Sec. 2-101.1. Spousal impoverishment. All new residents  
25 and their spouses shall be informed on admittance of their

1 spousal impoverishment rights as defined at Section 5-4 of the  
2 Illinois Public Aid Code, as now or hereafter amended and at  
3 Section 303 of Title III of the Medicare Catastrophic Coverage  
4 Act of 1988 (P.L. 100-360 ~~100-360~~).

5 (Source: P.A. 96-339, eff. 7-1-10; revised 11-3-09.)

6 (210 ILCS 47/2-201)

7 (This Section may contain text from a Public Act with a  
8 delayed effective date)

9 Sec. 2-201. Residents' funds. To protect the residents'  
10 funds, the facility:

11 (1) Shall at the time of admission provide, in order of  
12 priority, each resident, or the resident's guardian, if any, or  
13 the resident's representative, if any, or the resident's  
14 immediate family member, if any, with a written statement  
15 explaining to the resident and to the resident's spouse (a)  
16 their spousal impoverishment rights, as defined at Section 5-4  
17 of the Illinois Public Aid Code, and at Section 303 of Title  
18 III of the Medicare Catastrophic Coverage Act of 1988 (P.L.  
19 100-360 ~~100-360~~), and (b) the resident's rights regarding  
20 personal funds and listing the services for which the resident  
21 will be charged. The facility shall obtain a signed  
22 acknowledgment from each resident or the resident's guardian,  
23 if any, or the resident's representative, if any, or the  
24 resident's immediate family member, if any, that such person  
25 has received the statement.

1           (2) May accept funds from a resident for safekeeping and  
2 managing, if it receives written authorization from, in order  
3 of priority, the resident or the resident's guardian, if any,  
4 or the resident's representative, if any, or the resident's  
5 immediate family member, if any; such authorization shall be  
6 attested to by a witness who has no pecuniary interest in the  
7 facility or its operations, and who is not connected in any way  
8 to facility personnel or the administrator in any manner  
9 whatsoever.

10          (3) Shall maintain and allow, in order of priority, each  
11 resident or the resident's guardian, if any, or the resident's  
12 representative, if any, or the resident's immediate family  
13 member, if any, access to a written record of all financial  
14 arrangements and transactions involving the individual  
15 resident's funds.

16          (4) Shall provide, in order of priority, each resident, or  
17 the resident's guardian, if any, or the resident's  
18 representative, if any, or the resident's immediate family  
19 member, if any, with a written itemized statement at least  
20 quarterly, of all financial transactions involving the  
21 resident's funds.

22          (5) Shall purchase a surety bond, or otherwise provide  
23 assurance satisfactory to the Departments of Public Health and  
24 Financial and Professional Regulation that all residents'  
25 personal funds deposited with the facility are secure against  
26 loss, theft, and insolvency.

1           (6) Shall keep any funds received from a resident for  
2 safekeeping in an account separate from the facility's funds,  
3 and shall at no time withdraw any part or all of such funds for  
4 any purpose other than to return the funds to the resident upon  
5 the request of the resident or any other person entitled to  
6 make such request, to pay the resident his or her allowance, or  
7 to make any other payment authorized by the resident or any  
8 other person entitled to make such authorization.

9           (7) Shall deposit any funds received from a resident in  
10 excess of \$100 in an interest bearing account insured by  
11 agencies of, or corporations chartered by, the State or federal  
12 government. The account shall be in a form which clearly  
13 indicates that the facility has only a fiduciary interest in  
14 the funds and any interest from the account shall accrue to the  
15 resident. The facility may keep up to \$100 of a resident's  
16 money in a non-interest-bearing account or petty cash fund, to  
17 be readily available for the resident's current expenditures.

18           (8) Shall return to the resident, or the person who  
19 executed the written authorization required in subsection (2)  
20 of this Section, upon written request, all or any part of the  
21 resident's funds given the facility for safekeeping, including  
22 the interest accrued from deposits.

23           (9) Shall (a) place any monthly allowance to which a  
24 resident is entitled in that resident's personal account, or  
25 give it to the resident, unless the facility has written  
26 authorization from the resident or the resident's guardian or

1 if the resident is a minor, his parent, to handle it  
2 differently, (b) take all steps necessary to ensure that a  
3 personal needs allowance that is placed in a resident's  
4 personal account is used exclusively by the resident or for the  
5 benefit of the resident, and (c) where such funds are withdrawn  
6 from the resident's personal account by any person other than  
7 the resident, require such person to whom funds constituting  
8 any part of a resident's personal needs allowance are released,  
9 to execute an affidavit that such funds shall be used  
10 exclusively for the benefit of the resident.

11 (10) Unless otherwise provided by State law, upon the death  
12 of a resident, shall provide the executor or administrator of  
13 the resident's estate with a complete accounting of all the  
14 resident's personal property, including any funds of the  
15 resident being held by the facility.

16 (11) If an adult resident is incapable of managing his or  
17 her funds and does not have a resident's representative,  
18 guardian, or an immediate family member, shall notify the  
19 Office of the State Guardian of the Guardianship and Advocacy  
20 Commission.

21 (12) If the facility is sold, shall provide the buyer with  
22 a written verification by a public accountant of all residents'  
23 monies and properties being transferred, and obtain a signed  
24 receipt from the new owner.

25 (Source: P.A. 96-339, eff. 7-1-10; revised 11-3-09.)

1 (210 ILCS 47/3-206.03)

2 (This Section may contain text from a Public Act with a  
3 delayed effective date)

4 Sec. 3-206.03. Resident attendants.

5 (a) As used in this Section, "resident attendant" means an  
6 individual who assists residents in a facility with the  
7 following activities:

8 (1) eating and drinking; and

9 (2) personal hygiene limited to washing a resident's  
10 hands and face, brushing and combing a resident's hair,  
11 oral hygiene, shaving residents with an electric razor, and  
12 applying makeup.

13 The term "resident attendant" does not include an  
14 individual who:

15 (1) is a licensed health professional or a registered  
16 dietitian;

17 (2) volunteers without monetary compensation;

18 (3) is a nurse assistant; or

19 (4) performs any nursing or nursing related services  
20 for residents of a facility.

21 (b) A facility may employ resident attendants to assist the  
22 nurse aides with the activities authorized under subsection  
23 (a). The resident attendants shall not count in the minimum  
24 staffing requirements under rules implementing this Act.

25 (c) A facility may not use on a full time or other paid  
26 basis any individual as a resident attendant in the facility

1 unless the individual:

2 (1) has completed a training and competency evaluation  
3 program encompassing the tasks the individual provides;  
4 and

5 (2) is competent to provide feeding, hydration, and  
6 personal hygiene services.

7 (d) The training and competency evaluation program may be  
8 facility based. It may include one or more of the following  
9 units:

10 (1) A feeding unit that is a maximum of 5 hours in  
11 length.

12 (2) A hydration unit that is a maximum of 3 hours in  
13 length.

14 (3) A personal hygiene unit that is a maximum of 5  
15 hours in length. These programs must be reviewed and  
16 approved by the Department every 2 years.

17 (e) (Blank).

18 (f) A person seeking employment as a resident attendant is  
19 subject to the Health Care Worker Background Check Act.

20 (Source: P.A. 96-339, eff. 7-1-10; revised 11-3-09.)

21 (210 ILCS 47/3-215)

22 (This Section may contain text from a Public Act with a  
23 delayed effective date)

24 Sec. 3-215. Annual report on facility by Department. The  
25 Department shall make at least one report on each facility in

1 the State annually, unless the facility has been issued a  
2 2-year license under subsection (b) of Section 3-110 for which  
3 the report shall be made every 2 years ~~2-years~~. All conditions  
4 and practices not in compliance with applicable standards  
5 within the report period shall be specifically stated. If a  
6 violation is corrected or is subject to an approved plan of  
7 correction, the same shall be specified in the report. The  
8 Department shall send a copy to any person on receiving a  
9 written request. The Department may charge a reasonable fee to  
10 cover copying costs.

11 (Source: P.A. 96-339, eff. 7-1-10; revised 11-3-09.)

12 (210 ILCS 47/3-305)

13 (This Section may contain text from a Public Act with a  
14 delayed effective date)

15 Sec. 3-305. Penalties or fines. The license of a facility  
16 which is in violation of this Act or any rule adopted  
17 thereunder may be subject to the penalties or fines levied by  
18 the Department as specified in this Section.

19 (1) Unless a greater penalty or fine is allowed under  
20 subsection (3), a licensee who commits a Type "A" violation  
21 as defined in Section 1-129 is automatically issued a  
22 conditional license for a period of 6 months to coincide  
23 with an acceptable plan of correction and assessed a fine  
24 computed at a rate of \$5.00 per resident in the facility  
25 plus 20 cents per resident for each day of the violation,

1 commencing on the date a notice of the violation is served  
2 under Section 3-301 and ending on the date the violation is  
3 corrected, or a fine of not less than \$5,000, or when  
4 death, serious mental or physical harm, permanent  
5 disability, or disfigurement results, a fine of not less  
6 than \$10,000, whichever is greater.

7 (2) A licensee who commits a Type "B" violation or who  
8 is issued an administrative warning for a violation of  
9 Sections 3-401 through 3-413 or the rules promulgated  
10 thereunder is subject to a penalty computed at a rate of \$3  
11 per resident in the facility, plus 15 cents per resident  
12 for each day of the violation, commencing on the date a  
13 notice of the violation is served under Section 3-301 and  
14 ending on the date the violation is corrected, or a fine  
15 not less than \$500, whichever is greater. Such fine shall  
16 be assessed on the date of notice of the violation and  
17 shall be suspended for violations that continue after such  
18 date upon completion of a plan of correction in accordance  
19 with Section 3-308 in relation to the assessment of fines  
20 and correction. Failure to correct such violation within  
21 the time period approved under a plan of correction shall  
22 result in a fine and conditional license as provided under  
23 subsection (5).

24 (3) A licensee who commits a Type "A" violation as  
25 defined in Section 1-129 which continues beyond the time  
26 specified in paragraph (a) of Section 3-303 ~~3-303~~ which is

1           cited as a repeat violation shall have its license revoked  
2           and shall be assessed a fine of 3 times the fine computed  
3           per resident per day under subsection (1).

4           (4) A licensee who fails to satisfactorily comply with  
5           an accepted plan of correction for a Type "B" violation or  
6           an administrative warning issued pursuant to Sections  
7           3-401 through 3-413 or the rules promulgated thereunder  
8           shall be automatically issued a conditional license for a  
9           period of not less than 6 months. A second or subsequent  
10          acceptable plan of correction shall be filed. A fine shall  
11          be assessed in accordance with subsection (2) when cited  
12          for the repeat violation. This fine shall be computed for  
13          all days of the violation, including the duration of the  
14          first plan of correction compliance time.

15          (5) For the purpose of computing a penalty under  
16          subsections (2) through (4), the number of residents per  
17          day shall be based on the average number of residents in  
18          the facility during the 30 days preceding the discovery of  
19          the violation.

20          (6) When the Department finds that a provision of  
21          Article II has been violated with regard to a particular  
22          resident, the Department shall issue an order requiring the  
23          facility to reimburse the resident for injuries incurred,  
24          or \$100, whichever is greater. In the case of a violation  
25          involving any action other than theft of money belonging to  
26          a resident, reimbursement shall be ordered only if a

1 provision of Article II has been violated with regard to  
2 that or any other resident of the facility within the 2  
3 years immediately preceding the violation in question.

4 (7) For purposes of assessing fines under this Section,  
5 a repeat violation shall be a violation which has been  
6 cited during one inspection of the facility for which an  
7 accepted plan of correction was not complied with. A repeat  
8 violation shall not be a new citation of the same rule,  
9 unless the licensee is not substantially addressing the  
10 issue routinely throughout the facility.

11 (Source: P.A. 96-339, eff. 7-1-10; revised 11-3-09.)

12 (210 ILCS 47/3-401)

13 (This Section may contain text from a Public Act with a  
14 delayed effective date)

15 Sec. 3-401. Involuntary transfer or discharge of resident.  
16 A facility may involuntarily transfer or discharge a resident  
17 only for one or more of the following reasons:

18 (a) for medical reasons;

19 (b) for the resident's physical safety;

20 (c) for the physical safety of other residents, the  
21 facility staff or facility visitors; or

22 (d) for either late payment or nonpayment for the  
23 resident's stay, except as prohibited by Titles XVIII and XIX  
24 of the federal Social Security Act. For purposes of this  
25 Section, "late payment" means non-receipt ~~non-receipt~~ of

1 payment after submission of a bill. If payment is not received  
2 within 45 days after submission of a bill, a facility may send  
3 a notice to the resident and responsible party requesting  
4 payment within 30 days. If payment is not received within such  
5 30 days, the facility may thereupon institute transfer or  
6 discharge proceedings by sending a notice of transfer or  
7 discharge to the resident and responsible party by registered  
8 or certified mail. The notice shall state, in addition to the  
9 requirements of Section 3-403 of this Act, that the responsible  
10 party has the right to pay the amount of the bill in full up to  
11 the date the transfer or discharge is to be made and then the  
12 resident shall have the right to remain in the facility. Such  
13 payment shall terminate the transfer or discharge proceedings.  
14 This subsection does not apply to those residents whose care is  
15 provided for under the Illinois Public Aid Code. The Department  
16 shall adopt rules setting forth the criteria and procedures to  
17 be applied in cases of involuntary transfer or discharge  
18 permitted under this Section.

19 (Source: P.A. 96-339, eff. 7-1-10; revised 11-3-09.)

20 (210 ILCS 47/3-517)

21 (This Section may contain text from a Public Act with a  
22 delayed effective date)

23 Sec. 3-517. Civil and criminal liability during  
24 receivership. Nothing in this Act shall be deemed to relieve  
25 any owner, administrator or employee of a facility placed in

1 receivership of any civil or criminal liability incurred, or  
2 any duty imposed by law, by reason of acts or omissions of the  
3 owner, administrator, or employee prior to the appointment of a  
4 receiver; nor shall anything contained in this Act be construed  
5 to suspend during the receivership any obligation of the owner,  
6 administrator, or employee for payment of taxes or other  
7 operating and maintenance expenses of the facility nor of the  
8 owner, administrator, employee or any other person for the  
9 payment of mortgages or liens. The owner shall retain the right  
10 to sell or mortgage any facility under receivership, subject to  
11 approval of the court which ordered the receivership.

12 (Source: P.A. 96-339, eff. 7-1-10; revised 11-3-09.)

13 Section 375. The Emergency Medical Services (EMS) Systems  
14 Act is amended by changing Section 32.5 as follows:

15 (210 ILCS 50/32.5)

16 Sec. 32.5. Freestanding Emergency Center.

17 (a) The Department shall issue an annual Freestanding  
18 Emergency Center (FEC) license to any facility that has  
19 received a permit from the ~~Illinois~~ Health Facilities and  
20 Services Review Planning Board to establish a Freestanding  
21 Emergency Center if the application for the permit has been  
22 deemed complete by the Department of Public Health by March 1,  
23 2009, and:

24 (1) is located: (A) in a municipality with a population

1 of 75,000 or fewer inhabitants; (B) within 20 miles of the  
2 hospital that owns or controls the FEC; and (C) within 20  
3 miles of the Resource Hospital affiliated with the FEC as  
4 part of the EMS System;

5 (2) is wholly owned or controlled by an Associate or  
6 Resource Hospital, but is not a part of the hospital's  
7 physical plant;

8 (3) meets the standards for licensed FECs, adopted by  
9 rule of the Department, including, but not limited to:

10 (A) facility design, specification, operation, and  
11 maintenance standards;

12 (B) equipment standards; and

13 (C) the number and qualifications of emergency  
14 medical personnel and other staff, which must include  
15 at least one board certified emergency physician  
16 present at the FEC 24 hours per day.

17 (4) limits its participation in the EMS System strictly  
18 to receiving a limited number of BLS runs by emergency  
19 medical vehicles according to protocols developed by the  
20 Resource Hospital within the FEC's designated EMS System  
21 and approved by the Project Medical Director and the  
22 Department;

23 (5) provides comprehensive emergency treatment  
24 services, as defined in the rules adopted by the Department  
25 pursuant to the Hospital Licensing Act, 24 hours per day,  
26 on an outpatient basis;

1           (6) provides an ambulance and maintains on site  
2 ambulance services staffed with paramedics 24 hours per  
3 day;

4           (7) (blank);

5           (8) complies with all State and federal patient rights  
6 provisions, including, but not limited to, the Emergency  
7 Medical Treatment Act and the federal Emergency Medical  
8 Treatment and Active Labor Act;

9           (9) maintains a communications system that is fully  
10 integrated with its Resource Hospital within the FEC's  
11 designated EMS System;

12           (10) reports to the Department any patient transfers  
13 from the FEC to a hospital within 48 hours of the transfer  
14 plus any other data determined to be relevant by the  
15 Department;

16           (11) submits to the Department, on a quarterly basis,  
17 the FEC's morbidity and mortality rates for patients  
18 treated at the FEC and other data determined to be relevant  
19 by the Department;

20           (12) does not describe itself or hold itself out to the  
21 general public as a full service hospital or hospital  
22 emergency department in its advertising or marketing  
23 activities;

24           (13) complies with any other rules adopted by the  
25 Department under this Act that relate to FECs;

26           (14) passes the Department's site inspection for

1 compliance with the FEC requirements of this Act;

2 (15) submits a copy of the permit issued by the Health  
3 Facilities and Services Review Board indicating that the  
4 facility has complied with the Illinois Health Facilities  
5 Planning Act with respect to the health services to be  
6 provided at the facility;

7 (16) submits an application for designation as an FEC  
8 in a manner and form prescribed by the Department by rule;  
9 and

10 (17) pays the annual license fee as determined by the  
11 Department by rule.

12 (b) The Department shall:

13 (1) annually inspect facilities of initial FEC  
14 applicants and licensed FECs, and issue annual licenses to  
15 or annually relicense FECs that satisfy the Department's  
16 licensure requirements as set forth in subsection (a);

17 (2) suspend, revoke, refuse to issue, or refuse to  
18 renew the license of any FEC, after notice and an  
19 opportunity for a hearing, when the Department finds that  
20 the FEC has failed to comply with the standards and  
21 requirements of the Act or rules adopted by the Department  
22 under the Act;

23 (3) issue an Emergency Suspension Order for any FEC  
24 when the Director or his or her designee has determined  
25 that the continued operation of the FEC poses an immediate  
26 and serious danger to the public health, safety, and

1 welfare. An opportunity for a hearing shall be promptly  
2 initiated after an Emergency Suspension Order has been  
3 issued; and

4 (4) adopt rules as needed to implement this Section.

5 (Source: P.A. 95-584, eff. 8-31-07; 96-23, eff. 6-30-09; 96-31,  
6 eff. 6-30-09; revised 8-20-09.)

7 Section 380. The Home Health, Home Services, and Home  
8 Nursing Agency Licensing Act is amended by changing Section  
9 2.08 as follows:

10 (210 ILCS 55/2.08)

11 (Text of Section before amendment by P.A. 96-339)

12 Sec. 2.08. "Home services agency" means an agency that  
13 provides services directly, or acts as a placement agency, for  
14 the purpose of placing individuals as workers providing home  
15 services for consumers in their personal residences. "Home  
16 services agency" does not include agencies licensed under the  
17 Nurse Agency Licensing Act, the Hospital Licensing Act, the  
18 Nursing Home Care Act, or the Assisted Living and Shared  
19 Housing Act and does not include an agency that limits its  
20 business exclusively to providing housecleaning services.  
21 Programs providing services exclusively through the Community  
22 Care Program of the Illinois Department on Aging, the  
23 Department of Human Services Office of Rehabilitation  
24 Services, or the United States Department of Veterans Affairs

1 are not considered to be a home services agency under this Act.  
2 (Source: P.A. 96-577, eff. 8-18-09.)

3 (Text of Section after amendment by P.A. 96-339)

4 Sec. 2.08. "Home services agency" means an agency that  
5 provides services directly, or acts as a placement agency, for  
6 the purpose of placing individuals as workers providing home  
7 services for consumers in their personal residences. "Home  
8 services agency" does not include agencies licensed under the  
9 Nurse Agency Licensing Act, the Hospital Licensing Act, the  
10 Nursing Home Care Act, the MR/DD Community Care Act, or the  
11 Assisted Living and Shared Housing Act and does not include an  
12 agency that limits its business exclusively to providing  
13 housecleaning services. Programs providing services  
14 exclusively through the Community Care Program of the Illinois  
15 Department on Aging, the Department of Human Services Office of  
16 Rehabilitation Services, or the United States Department of  
17 Veterans Affairs are not considered to be a home services  
18 agency under this Act.

19 (Source: P.A. 96-339, eff. 7-1-10; 96-577, eff. 8-18-09;  
20 revised 9-25-09.)

21 Section 385. The Hospital Licensing Act is amended by  
22 changing Section 3 and by setting forth and renumbering  
23 multiple versions of Section 6.25 as follows:

1 (210 ILCS 85/3)

2 (Text of Section before amendment by P.A. 96-339)

3 Sec. 3. As used in this Act:

4 (A) "Hospital" means any institution, place, building, or  
5 agency, public or private, whether organized for profit or not,  
6 devoted primarily to the maintenance and operation of  
7 facilities for the diagnosis and treatment or care of 2 or more  
8 unrelated persons admitted for overnight stay or longer in  
9 order to obtain medical, including obstetric, psychiatric and  
10 nursing, care of illness, disease, injury, infirmity, or  
11 deformity.

12 The term "hospital", without regard to length of stay,  
13 shall also include:

14 (a) any facility which is devoted primarily to  
15 providing psychiatric and related services and programs  
16 for the diagnosis and treatment or care of 2 or more  
17 unrelated persons suffering from emotional or nervous  
18 diseases;

19 (b) all places where pregnant females are received,  
20 cared for, or treated during delivery irrespective of the  
21 number of patients received.

22 The term "hospital" includes general and specialized  
23 hospitals, tuberculosis sanitarium, mental or psychiatric  
24 hospitals and sanitarium, and includes maternity homes,  
25 lying-in homes, and homes for unwed mothers in which care is  
26 given during delivery.

1 The term "hospital" does not include:

2 (1) any person or institution required to be licensed  
3 pursuant to the Nursing Home Care Act, as amended;

4 (2) hospitalization or care facilities maintained by  
5 the State or any department or agency thereof, where such  
6 department or agency has authority under law to establish  
7 and enforce standards for the hospitalization or care  
8 facilities under its management and control;

9 (3) hospitalization or care facilities maintained by  
10 the federal government or agencies thereof;

11 (4) hospitalization or care facilities maintained by  
12 any university or college established under the laws of  
13 this State and supported principally by public funds raised  
14 by taxation;

15 (5) any person or facility required to be licensed  
16 pursuant to the Alcoholism and Other Drug Abuse and  
17 Dependency Act;

18 (6) any facility operated solely by and for persons who  
19 rely exclusively upon treatment by spiritual means through  
20 prayer, in accordance with the creed or tenets of any  
21 well-recognized church or religious denomination;

22 (7) an Alzheimer's disease management center  
23 alternative health care model licensed under the  
24 Alternative Health Care Delivery Act; or

25 (8) any veterinary hospital or clinic operated by a  
26 veterinarian or veterinarians licensed under the

1           Veterinary Medicine and Surgery Practice Act of 2004 or  
2           maintained by a State-supported or publicly funded  
3           university or college.

4           (B) "Person" means the State, and any political subdivision  
5           or municipal corporation, individual, firm, partnership,  
6           corporation, company, association, or joint stock association,  
7           or the legal successor thereof.

8           (C) "Department" means the Department of Public Health of  
9           the State of Illinois.

10          (D) "Director" means the Director of Public Health of the  
11          State of Illinois.

12          (E) "Perinatal" means the period of time between the  
13          conception of an infant and the end of the first month after  
14          birth.

15          (F) "Federally designated organ procurement agency" means  
16          the organ procurement agency designated by the Secretary of the  
17          U.S. Department of Health and Human Services for the service  
18          area in which a hospital is located; except that in the case of  
19          a hospital located in a county adjacent to Wisconsin which  
20          currently contracts with an organ procurement agency located in  
21          Wisconsin that is not the organ procurement agency designated  
22          by the U.S. Secretary of Health and Human Services for the  
23          service area in which the hospital is located, if the hospital  
24          applies for a waiver pursuant to 42 USC 1320b-8(a), it may  
25          designate an organ procurement agency located in Wisconsin to  
26          be thereafter deemed its federally designated organ

1 procurement agency for the purposes of this Act.

2 (G) "Tissue bank" means any facility or program operating  
3 in Illinois that is certified by the American Association of  
4 Tissue Banks or the Eye Bank Association of America and is  
5 involved in procuring, furnishing, donating, or distributing  
6 corneas, bones, or other human tissue for the purpose of  
7 injecting, transfusing, or transplanting any of them into the  
8 human body. "Tissue bank" does not include a licensed blood  
9 bank. For the purposes of this Act, "tissue" does not include  
10 organs.

11 (Source: P.A. 96-219, eff. 8-10-09.)

12 (Text of Section after amendment by P.A. 96-339)

13 Sec. 3. As used in this Act:

14 (A) "Hospital" means any institution, place, building, or  
15 agency, public or private, whether organized for profit or not,  
16 devoted primarily to the maintenance and operation of  
17 facilities for the diagnosis and treatment or care of 2 or more  
18 unrelated persons admitted for overnight stay or longer in  
19 order to obtain medical, including obstetric, psychiatric and  
20 nursing, care of illness, disease, injury, infirmity, or  
21 deformity.

22 The term "hospital", without regard to length of stay,  
23 shall also include:

24 (a) any facility which is devoted primarily to  
25 providing psychiatric and related services and programs

1 for the diagnosis and treatment or care of 2 or more  
2 unrelated persons suffering from emotional or nervous  
3 diseases;

4 (b) all places where pregnant females are received,  
5 cared for, or treated during delivery irrespective of the  
6 number of patients received.

7 The term "hospital" includes general and specialized  
8 hospitals, tuberculosis sanitarium, mental or psychiatric  
9 hospitals and sanitarium, and includes maternity homes,  
10 lying-in homes, and homes for unwed mothers in which care is  
11 given during delivery.

12 The term "hospital" does not include:

13 (1) any person or institution required to be licensed  
14 pursuant to the Nursing Home Care Act or the MR/DD  
15 Community Care Act;

16 (2) hospitalization or care facilities maintained by  
17 the State or any department or agency thereof, where such  
18 department or agency has authority under law to establish  
19 and enforce standards for the hospitalization or care  
20 facilities under its management and control;

21 (3) hospitalization or care facilities maintained by  
22 the federal government or agencies thereof;

23 (4) hospitalization or care facilities maintained by  
24 any university or college established under the laws of  
25 this State and supported principally by public funds raised  
26 by taxation;

1           (5) any person or facility required to be licensed  
2           pursuant to the Alcoholism and Other Drug Abuse and  
3           Dependency Act;

4           (6) any facility operated solely by and for persons who  
5           rely exclusively upon treatment by spiritual means through  
6           prayer, in accordance with the creed or tenets of any  
7           well-recognized church or religious denomination;

8           (7) an Alzheimer's disease management center  
9           alternative health care model licensed under the  
10          Alternative Health Care Delivery Act; or

11          (8) any veterinary hospital or clinic operated by a  
12          veterinarian or veterinarians licensed under the  
13          Veterinary Medicine and Surgery Practice Act of 2004 or  
14          maintained by a State-supported or publicly funded  
15          university or college.

16          (B) "Person" means the State, and any political subdivision  
17          or municipal corporation, individual, firm, partnership,  
18          corporation, company, association, or joint stock association,  
19          or the legal successor thereof.

20          (C) "Department" means the Department of Public Health of  
21          the State of Illinois.

22          (D) "Director" means the Director of Public Health of the  
23          State of Illinois.

24          (E) "Perinatal" means the period of time between the  
25          conception of an infant and the end of the first month after  
26          birth.

1 (F) "Federally designated organ procurement agency" means  
2 the organ procurement agency designated by the Secretary of the  
3 U.S. Department of Health and Human Services for the service  
4 area in which a hospital is located; except that in the case of  
5 a hospital located in a county adjacent to Wisconsin which  
6 currently contracts with an organ procurement agency located in  
7 Wisconsin that is not the organ procurement agency designated  
8 by the U.S. Secretary of Health and Human Services for the  
9 service area in which the hospital is located, if the hospital  
10 applies for a waiver pursuant to 42 USC 1320b-8(a), it may  
11 designate an organ procurement agency located in Wisconsin to  
12 be thereafter deemed its federally designated organ  
13 procurement agency for the purposes of this Act.

14 (G) "Tissue bank" means any facility or program operating  
15 in Illinois that is certified by the American Association of  
16 Tissue Banks or the Eye Bank Association of America and is  
17 involved in procuring, furnishing, donating, or distributing  
18 corneas, bones, or other human tissue for the purpose of  
19 injecting, transfusing, or transplanting any of them into the  
20 human body. "Tissue bank" does not include a licensed blood  
21 bank. For the purposes of this Act, "tissue" does not include  
22 organs.

23 (Source: P.A. 96-219, eff. 8-10-09; 96-339, eff. 7-1-10;  
24 revised 9-25-09.)

1           Sec. 6.25. Safe patient handling policy.

2           (a) In this Section:

3           "Health care worker" means an individual providing direct  
4 patient care services who may be required to lift, transfer,  
5 reposition, or move a patient.

6           "Nurse" means an advanced practice nurse, a registered  
7 nurse, or a licensed practical nurse licensed under the Nurse  
8 Practice Act.

9           (b) A hospital must adopt and ensure implementation of a  
10 policy to identify, assess, and develop strategies to control  
11 risk of injury to patients and nurses and other health care  
12 workers associated with the lifting, transferring,  
13 repositioning, or movement of a patient. The policy shall  
14 establish a process that, at a minimum, includes all of the  
15 following:

16           (1) Analysis of the risk of injury to patients and  
17 nurses and other health care workers posed by the patient  
18 handling needs of the patient populations served by the  
19 hospital and the physical environment in which the patient  
20 handling and movement occurs.

21           (2) Education of nurses in the identification,  
22 assessment, and control of risks of injury to patients and  
23 nurses and other health care workers during patient  
24 handling.

25           (3) Evaluation of alternative ways to reduce risks  
26 associated with patient handling, including evaluation of

1 equipment and the environment.

2 (4) Restriction, to the extent feasible with existing  
3 equipment and aids, of manual patient handling or movement  
4 of all or most of a patient's weight except for emergency,  
5 life-threatening, or otherwise exceptional circumstances.

6 (5) Collaboration with and an annual report to the  
7 nurse staffing committee.

8 (6) Procedures for a nurse to refuse to perform or be  
9 involved in patient handling or movement that the nurse in  
10 good faith believes will expose a patient or nurse or other  
11 health care worker to an unacceptable risk of injury.

12 (7) Submission of an annual report to the hospital's  
13 governing body or quality assurance committee on  
14 activities related to the identification, assessment, and  
15 development of strategies to control risk of injury to  
16 patients and nurses and other health care workers  
17 associated with the lifting, transferring, repositioning,  
18 or movement of a patient.

19 (8) In developing architectural plans for construction  
20 or remodeling of a hospital or unit of a hospital in which  
21 patient handling and movement occurs, consideration of the  
22 feasibility of incorporating patient handling equipment or  
23 the physical space and construction design needed to  
24 incorporate that equipment.

25 (Source: P.A. 96-389, eff. 1-1-10.)

1 (210 ILCS 85/6.26)

2 Sec. 6.26 ~~6.25~~. Immunization against influenza virus and  
3 pneumococcal disease.

4 (a) Every hospital shall adopt an influenza and  
5 pneumococcal immunization policy that includes, but need not be  
6 limited to, the following:

7 (1) Procedures for identifying patients age 65 or older  
8 and, at the discretion of the facility, other patients at  
9 risk.

10 (2) Procedures for offering immunization against  
11 influenza virus when available between September 1 and  
12 April 1, and against pneumococcal disease upon admission or  
13 discharge, to patients age 65 or older, unless  
14 contraindicated.

15 (3) Procedures for ensuring that patients offered  
16 immunization, or their guardians, receive information  
17 regarding the risks and benefits of vaccination.

18 The hospital shall provide a copy of its influenza and  
19 pneumococcal immunization policy to the Department upon  
20 request.

21 (b) A home rule unit may not regulate immunization against  
22 influenza virus and pneumococcal disease in a manner  
23 inconsistent with the regulation of such immunizations under  
24 this Section. This subsection is a limitation under subsection  
25 (i) of Section 6 of Article VII of the Illinois Constitution on  
26 the concurrent exercise by home rule units of powers and

1 functions exercised by the State.

2 (Source: P.A. 96-343, eff. 8-11-09; revised 10-23-09.)

3 Section 390. The Mobile Home Park Act is amended by  
4 changing Section 9.9 as follows:

5 (210 ILCS 115/9.9) (from Ch. 111 1/2, par. 719.9)

6 Sec. 9.9. Mobile homes in mobile home parks shall each be  
7 equipped with fire extinguishers in working order, one in each  
8 end of the mobile home.

9 Inspection of any such equipment and enforcement of any  
10 Rules and Regulations adopted pursuant to this paragraph shall  
11 be the duty of the State Fire Marshal ~~Marshall~~ and local law  
12 enforcement agencies in the county or municipality where the  
13 mobile home park is located.

14 (Source: P.A. 77-1472; revised 11-3-09.)

15 Section 395. The Illinois Insurance Code is amended by  
16 changing Sections 190.1, 370c, and 451 and by setting forth and  
17 renumbering multiple versions of Sections 356z.14 and 356z.15  
18 as follows:

19 (215 ILCS 5/190.1) (from Ch. 73, par. 802.1)

20 Sec. 190.1. Appeal of order directing liquidation - special  
21 claims procedure.

22 (1) Within 5 days of the effective date of this amendatory

1 Act of 1982, or, if later, within 5 days after the filing of a  
2 notice of appeal of an order of liquidation, which order has  
3 not been stayed, the Director shall present for the circuit  
4 court's approval a plan for the continued performance of the  
5 defendant company's policy claims obligations, including the  
6 duty to defend insureds under liability insurance policies,  
7 during the pendency of an appeal. Such plan shall provide for  
8 the continued performance and payment of policy claims  
9 obligations in the normal course of events, notwithstanding the  
10 grounds alleged in support of the order of liquidation  
11 including the ground of insolvency. In the event the defendant  
12 company's financial condition will not, in the judgment of the  
13 Director, support the full performance of all policy claims  
14 obligations during the appeal pendency period, the plan may  
15 prefer the claims of certain policyholders and claimants over  
16 creditors and interested parties as well as other policyholders  
17 and claimants, as the Director finds to be fair and equitable  
18 considering the relative circumstances of such policyholders  
19 and claimants. The circuit court shall examine the plan  
20 submitted by the Director and if it finds the plan to be in the  
21 best interests of the parties, the circuit court shall approve  
22 the plan. No action shall lie against the Director or any of  
23 his deputies, agents, clerks, assistants or attorneys by any  
24 party based on preference in an appeal pendency plan approved  
25 by the circuit court.

26 (2) The appeal pendency plan shall not supersede ~~supercede~~

1 or affect the obligations of any insurance guaranty fund which  
2 under its own state law is required to pay covered claims  
3 obligations during the appeal pendency period.

4 (Source: P.A. 82-920; revised 10-30-09.)

5 (215 ILCS 5/356z.14)

6 Sec. 356z.14. Autism spectrum disorders.

7 (a) A group or individual policy of accident and health  
8 insurance or managed care plan amended, delivered, issued, or  
9 renewed after the effective date of this amendatory Act of the  
10 95th General Assembly must provide individuals under 21 years  
11 of age coverage for the diagnosis of autism spectrum disorders  
12 and for the treatment of autism spectrum disorders to the  
13 extent that the diagnosis and treatment of autism spectrum  
14 disorders are not already covered by the policy of accident and  
15 health insurance or managed care plan.

16 (b) Coverage provided under this Section shall be subject  
17 to a maximum benefit of \$36,000 per year, but shall not be  
18 subject to any limits on the number of visits to a service  
19 provider. After December 30, 2009, the Director of the Division  
20 of Insurance shall, on an annual basis, adjust the maximum  
21 benefit for inflation using the Medical Care Component of the  
22 United States Department of Labor Consumer Price Index for All  
23 Urban Consumers. Payments made by an insurer on behalf of a  
24 covered individual for any care, treatment, intervention,  
25 service, or item, the provision of which was for the treatment

1 of a health condition not diagnosed as an autism spectrum  
2 disorder, shall not be applied toward any maximum benefit  
3 established under this subsection.

4 (c) Coverage under this Section shall be subject to  
5 copayment, deductible, and coinsurance provisions of a policy  
6 of accident and health insurance or managed care plan to the  
7 extent that other medical services covered by the policy of  
8 accident and health insurance or managed care plan are subject  
9 to these provisions.

10 (d) This Section shall not be construed as limiting  
11 benefits that are otherwise available to an individual under a  
12 policy of accident and health insurance or managed care plan  
13 and benefits provided under this Section may not be subject to  
14 dollar limits, deductibles, copayments, or coinsurance  
15 provisions that are less favorable to the insured than the  
16 dollar limits, deductibles, or coinsurance provisions that  
17 apply to physical illness generally.

18 (e) An insurer may not deny or refuse to provide otherwise  
19 covered services, or refuse to renew, refuse to reissue, or  
20 otherwise terminate or restrict coverage under an individual  
21 contract to provide services to an individual because the  
22 individual or their dependent is diagnosed with an autism  
23 spectrum disorder or due to the individual utilizing benefits  
24 in this Section.

25 (f) Upon request of the reimbursing insurer, a provider of  
26 treatment for autism spectrum disorders shall furnish medical

1 records, clinical notes, or other necessary data that  
2 substantiate that initial or continued medical treatment is  
3 medically necessary and is resulting in improved clinical  
4 status. When treatment is anticipated to require continued  
5 services to achieve demonstrable progress, the insurer may  
6 request a treatment plan consisting of diagnosis, proposed  
7 treatment by type, frequency, anticipated duration of  
8 treatment, the anticipated outcomes stated as goals, and the  
9 frequency by which the treatment plan will be updated.

10 (g) When making a determination of medical necessity for a  
11 treatment modality for autism spectrum disorders, an insurer  
12 must make the determination in a manner that is consistent with  
13 the manner used to make that determination with respect to  
14 other diseases or illnesses covered under the policy, including  
15 an appeals process. During the appeals process, any challenge  
16 to medical necessity must be viewed as reasonable only if the  
17 review includes a physician with expertise in the most current  
18 and effective treatment modalities for autism spectrum  
19 disorders.

20 (h) Coverage for medically necessary early intervention  
21 services must be delivered by certified early intervention  
22 specialists, as defined in 89 Ill. Admin. Code 500 and any  
23 subsequent amendments thereto.

24 (i) As used in this Section:

25 "Autism spectrum disorders" means pervasive developmental  
26 disorders as defined in the most recent edition of the

1 Diagnostic and Statistical Manual of Mental Disorders,  
2 including autism, Asperger's disorder, and pervasive  
3 developmental disorder not otherwise specified.

4 "Diagnosis of autism spectrum disorders" means one or more  
5 tests, evaluations, or assessments to diagnose whether an  
6 individual has autism spectrum disorder that is prescribed,  
7 performed, or ordered by (A) a physician licensed to practice  
8 medicine in all its branches or (B) a licensed clinical  
9 psychologist with expertise in diagnosing autism spectrum  
10 disorders.

11 "Medically necessary" means any care, treatment,  
12 intervention, service or item which will or is reasonably  
13 expected to do any of the following: (i) prevent the onset of  
14 an illness, condition, injury, disease or disability; (ii)  
15 reduce or ameliorate the physical, mental or developmental  
16 effects of an illness, condition, injury, disease or  
17 disability; or (iii) assist to achieve or maintain maximum  
18 functional activity in performing daily activities.

19 "Treatment for autism spectrum disorders" shall include  
20 the following care prescribed, provided, or ordered for an  
21 individual diagnosed with an autism spectrum disorder by (A) a  
22 physician licensed to practice medicine in all its branches or  
23 (B) a certified, registered, or licensed health care  
24 professional with expertise in treating effects of autism  
25 spectrum disorders when the care is determined to be medically  
26 necessary and ordered by a physician licensed to practice

1 medicine in all its branches:

2 (1) Psychiatric care, meaning direct, consultative, or  
3 diagnostic services provided by a licensed psychiatrist.

4 (2) Psychological care, meaning direct or consultative  
5 services provided by a licensed psychologist.

6 (3) Habilitative or rehabilitative care, meaning  
7 professional, counseling, and guidance services and  
8 treatment programs, including applied behavior analysis,  
9 that are intended to develop, maintain, and restore the  
10 functioning of an individual. As used in this subsection  
11 (i), "applied behavior analysis" means the design,  
12 implementation, and evaluation of environmental  
13 modifications using behavioral stimuli and consequences to  
14 produce socially significant improvement in human  
15 behavior, including the use of direct observation,  
16 measurement, and functional analysis of the relations  
17 between environment and behavior.

18 (4) Therapeutic care, including behavioral, speech,  
19 occupational, and physical therapies that provide  
20 treatment in the following areas: (i) self care and  
21 feeding, (ii) pragmatic, receptive, and expressive  
22 language, (iii) cognitive functioning, (iv) applied  
23 behavior analysis, intervention, and modification, (v)  
24 motor planning, and (vi) sensory processing.

25 (j) Rulemaking authority to implement this amendatory Act  
26 of the 95th General Assembly, if any, is conditioned on the

1 rules being adopted in accordance with all provisions of the  
2 Illinois Administrative Procedure Act and all rules and  
3 procedures of the Joint Committee on Administrative Rules; any  
4 purported rule not so adopted, for whatever reason, is  
5 unauthorized.

6 (Source: P.A. 95-1005, eff. 12-12-08.)

7 (215 ILCS 5/356z.15)

8 (Text of Section before amendment by P.A. 96-833)

9 Sec. 356z.15 ~~356z.14~~. Habilitative services for children.

10 (a) As used in this Section, "habilitative services" means  
11 occupational therapy, physical therapy, speech therapy, and  
12 other services prescribed by the insured's treating physician  
13 pursuant to a treatment plan to enhance the ability of a child  
14 to function with a congenital, genetic, or early acquired  
15 disorder. A congenital or genetic disorder includes, but is not  
16 limited to, hereditary disorders. An early acquired disorder  
17 refers to a disorder resulting from illness, trauma, injury, or  
18 some other event or condition suffered by a child prior to that  
19 child developing functional life skills such as, but not  
20 limited to, walking, talking, or self-help skills. Congenital,  
21 genetic, and early acquired disorders may include, but are not  
22 limited to, autism or an autism spectrum disorder, cerebral  
23 palsy, and other disorders resulting from early childhood  
24 illness, trauma, or injury.

25 (b) A group or individual policy of accident and health

1 insurance or managed care plan amended, delivered, issued, or  
2 renewed after the effective date of this amendatory Act of the  
3 95th General Assembly must provide coverage for habilitative  
4 services for children under 19 years of age with a congenital,  
5 genetic, or early acquired disorder so long as all of the  
6 following conditions are met:

7 (1) A physician licensed to practice medicine in all  
8 its branches has diagnosed the child's congenital,  
9 genetic, or early acquired disorder.

10 (2) The treatment is administered by a licensed  
11 speech-language pathologist, licensed audiologist,  
12 licensed occupational therapist, licensed physical  
13 therapist, licensed physician, licensed nurse, licensed  
14 optometrist, licensed nutritionist, licensed social  
15 worker, or licensed psychologist upon the referral of a  
16 physician licensed to practice medicine in all its  
17 branches.

18 (3) The initial or continued treatment must be  
19 medically necessary and therapeutic and not experimental  
20 or investigational.

21 (c) The coverage required by this Section shall be subject  
22 to other general exclusions and limitations of the policy,  
23 including coordination of benefits, participating provider  
24 requirements, restrictions on services provided by family or  
25 household members, utilization review of health care services,  
26 including review of medical necessity, case management,

1 experimental, and investigational treatments, and other  
2 managed care provisions.

3 (d) Coverage under this Section does not apply to those  
4 services that are solely educational in nature or otherwise  
5 paid under State or federal law for purely educational  
6 services. Nothing in this subsection (d) relieves an insurer or  
7 similar third party from an otherwise valid obligation to  
8 provide or to pay for services provided to a child with a  
9 disability.

10 (e) Coverage under this Section for children under age 19  
11 shall not apply to treatment of mental or emotional disorders  
12 or illnesses as covered under Section 370 of this Code as well  
13 as any other benefit based upon a specific diagnosis that may  
14 be otherwise required by law.

15 (f) The provisions of this Section do not apply to  
16 short-term travel, accident-only, limited, or specific disease  
17 policies.

18 (g) Any denial of care for habilitative services shall be  
19 subject to appeal and external independent review procedures as  
20 provided by Section 45 of the Managed Care Reform and Patient  
21 Rights Act.

22 (h) Upon request of the reimbursing insurer, the provider  
23 under whose supervision the habilitative services are being  
24 provided shall furnish medical records, clinical notes, or  
25 other necessary data to allow the insurer to substantiate that  
26 initial or continued medical treatment is medically necessary

1 and that the patient's condition is clinically improving. When  
2 the treating provider anticipates that continued treatment is  
3 or will be required to permit the patient to achieve  
4 demonstrable progress, the insurer may request that the  
5 provider furnish a treatment plan consisting of diagnosis,  
6 proposed treatment by type, frequency, anticipated duration of  
7 treatment, the anticipated goals of treatment, and how  
8 frequently the treatment plan will be updated.

9 (i) Rulemaking authority to implement this amendatory Act  
10 of the 95th General Assembly, if any, is conditioned on the  
11 rules being adopted in accordance with all provisions of the  
12 Illinois Administrative Procedure Act and all rules and  
13 procedures of the Joint Committee on Administrative Rules; any  
14 purported rule not so adopted, for whatever reason, is  
15 unauthorized.

16 (Source: P.A. 95-1049, eff. 1-1-10; revised 10-23-09.)

17 (Text of Section after amendment by P.A. 96-833)

18 Sec. 356z.15. Habilitative services for children.

19 (a) As used in this Section, "habilitative services" means  
20 occupational therapy, physical therapy, speech therapy, and  
21 other services prescribed by the insured's treating physician  
22 pursuant to a treatment plan to enhance the ability of a child  
23 to function with a congenital, genetic, or early acquired  
24 disorder. A congenital or genetic disorder includes, but is not  
25 limited to, hereditary disorders. An early acquired disorder

1 refers to a disorder resulting from illness, trauma, injury, or  
2 some other event or condition suffered by a child prior to that  
3 child developing functional life skills such as, but not  
4 limited to, walking, talking, or self-help skills. Congenital,  
5 genetic, and early acquired disorders may include, but are not  
6 limited to, autism or an autism spectrum disorder, cerebral  
7 palsy, and other disorders resulting from early childhood  
8 illness, trauma, or injury.

9 (b) A group or individual policy of accident and health  
10 insurance or managed care plan amended, delivered, issued, or  
11 renewed after the effective date of this amendatory Act of the  
12 95th General Assembly must provide coverage for habilitative  
13 services for children under 19 years of age with a congenital,  
14 genetic, or early acquired disorder so long as all of the  
15 following conditions are met:

16 (1) A physician licensed to practice medicine in all  
17 its branches has diagnosed the child's congenital,  
18 genetic, or early acquired disorder.

19 (2) The treatment is administered by a licensed  
20 speech-language pathologist, licensed audiologist,  
21 licensed occupational therapist, licensed physical  
22 therapist, licensed physician, licensed nurse, licensed  
23 optometrist, licensed nutritionist, licensed social  
24 worker, or licensed psychologist upon the referral of a  
25 physician licensed to practice medicine in all its  
26 branches.

1           (3) The initial or continued treatment must be  
2 medically necessary and therapeutic and not experimental  
3 or investigational.

4           (c) The coverage required by this Section shall be subject  
5 to other general exclusions and limitations of the policy,  
6 including coordination of benefits, participating provider  
7 requirements, restrictions on services provided by family or  
8 household members, utilization review of health care services,  
9 including review of medical necessity, case management,  
10 experimental, and investigational treatments, and other  
11 managed care provisions.

12           (d) Coverage under this Section does not apply to those  
13 services that are solely educational in nature or otherwise  
14 paid under State or federal law for purely educational  
15 services. Nothing in this subsection (d) relieves an insurer or  
16 similar third party from an otherwise valid obligation to  
17 provide or to pay for services provided to a child with a  
18 disability.

19           (e) Coverage under this Section for children under age 19  
20 shall not apply to treatment of mental or emotional disorders  
21 or illnesses as covered under Section 370 of this Code as well  
22 as any other benefit based upon a specific diagnosis that may  
23 be otherwise required by law.

24           (f) The provisions of this Section do not apply to  
25 short-term travel, accident-only, limited, or specific disease  
26 policies.

1           (g) Any denial of care for habilitative services shall be  
2 subject to appeal and external independent review procedures as  
3 provided by Section 45 of the Managed Care Reform and Patient  
4 Rights Act.

5           (h) Upon request of the reimbursing insurer, the provider  
6 under whose supervision the habilitative services are being  
7 provided shall furnish medical records, clinical notes, or  
8 other necessary data to allow the insurer to substantiate that  
9 initial or continued medical treatment is medically necessary  
10 and that the patient's condition is clinically improving. When  
11 the treating provider anticipates that continued treatment is  
12 or will be required to permit the patient to achieve  
13 demonstrable progress, the insurer may request that the  
14 provider furnish a treatment plan consisting of diagnosis,  
15 proposed treatment by type, frequency, anticipated duration of  
16 treatment, the anticipated goals of treatment, and how  
17 frequently the treatment plan will be updated.

18           (i) Rulemaking authority to implement this amendatory Act  
19 of the 95th General Assembly, if any, is conditioned on the  
20 rules being adopted in accordance with all provisions of the  
21 Illinois Administrative Procedure Act and all rules and  
22 procedures of the Joint Committee on Administrative Rules; any  
23 purported rule not so adopted, for whatever reason, is  
24 unauthorized.

25           (Source: P.A. 95-1049, eff. 1-1-10; 96-833, eff. 6-1-10.)

1 (215 ILCS 5/356z.16)

2 Sec. 356z.16 ~~356z.15~~. Applicability of mandated benefits  
3 to supplemental policies. Unless specified otherwise, the  
4 following Sections of the Illinois Insurance Code do not apply  
5 to short-term travel, disability income, long-term care,  
6 accident only, or limited or specified disease policies: 356b,  
7 356c, 356d, 356g, 356k, 356m, 356n, 356p, 356q, 356r, 356t,  
8 356u, 356w, 356x, 356z.1, 356z.2, 356z.4, 356z.5, 356z.6,  
9 356z.8, 367.2-5, and 367e.

10 (Source: P.A. 96-180, eff. 1-1-10; revised 10-21-09.)

11 (215 ILCS 5/370c) (from Ch. 73, par. 982c)

12 Sec. 370c. Mental and emotional disorders.

13 (a) (1) On and after the effective date of this Section,  
14 every insurer which delivers, issues for delivery or renews or  
15 modifies group A&H policies providing coverage for hospital or  
16 medical treatment or services for illness on an  
17 expense-incurred basis shall offer to the applicant or group  
18 policyholder subject to the insurers standards of  
19 insurability, coverage for reasonable and necessary treatment  
20 and services for mental, emotional or nervous disorders or  
21 conditions, other than serious mental illnesses as defined in  
22 item (2) of subsection (b), up to the limits provided in the  
23 policy for other disorders or conditions, except (i) the  
24 insured may be required to pay up to 50% of expenses incurred  
25 as a result of the treatment or services, and (ii) the annual

1 benefit limit may be limited to the lesser of \$10,000 or 25% of  
2 the lifetime policy limit.

3 (2) Each insured that is covered for mental, emotional or  
4 nervous disorders or conditions shall be free to select the  
5 physician licensed to practice medicine in all its branches,  
6 licensed clinical psychologist, licensed clinical social  
7 worker, licensed clinical professional counselor, or licensed  
8 marriage and family therapist of his choice to treat such  
9 disorders, and the insurer shall pay the covered charges of  
10 such physician licensed to practice medicine in all its  
11 branches, licensed clinical psychologist, licensed clinical  
12 social worker, licensed clinical professional counselor, or  
13 licensed marriage and family therapist up to the limits of  
14 coverage, provided (i) the disorder or condition treated is  
15 covered by the policy, and (ii) the physician, licensed  
16 psychologist, licensed clinical social worker, licensed  
17 clinical professional counselor, or licensed marriage and  
18 family therapist is authorized to provide said services under  
19 the statutes of this State and in accordance with accepted  
20 principles of his profession.

21 (3) Insofar as this Section applies solely to licensed  
22 clinical social workers, licensed clinical professional  
23 counselors, and licensed marriage and family therapists, those  
24 persons who may provide services to individuals shall do so  
25 after the licensed clinical social worker, licensed clinical  
26 professional counselor, or licensed marriage and family

1 therapist has informed the patient of the desirability of the  
2 patient conferring with the patient's primary care physician  
3 and the licensed clinical social worker, licensed clinical  
4 professional counselor, or licensed marriage and family  
5 therapist has provided written notification to the patient's  
6 primary care physician, if any, that services are being  
7 provided to the patient. That notification may, however, be  
8 waived by the patient on a written form. Those forms shall be  
9 retained by the licensed clinical social worker, licensed  
10 clinical professional counselor, or licensed marriage and  
11 family therapist for a period of not less than 5 years.

12 (b) (1) An insurer that provides coverage for hospital or  
13 medical expenses under a group policy of accident and health  
14 insurance or health care plan amended, delivered, issued, or  
15 renewed after the effective date of this amendatory Act of the  
16 92nd General Assembly shall provide coverage under the policy  
17 for treatment of serious mental illness under the same terms  
18 and conditions as coverage for hospital or medical expenses  
19 related to other illnesses and diseases. The coverage required  
20 under this Section must provide for same durational limits,  
21 amount limits, deductibles, and co-insurance requirements for  
22 serious mental illness as are provided for other illnesses and  
23 diseases. This subsection does not apply to coverage provided  
24 to employees by employers who have 50 or fewer employees.

25 (2) "Serious mental illness" means the following  
26 psychiatric illnesses as defined in the most current edition of

1 the Diagnostic and Statistical Manual (DSM) published by the  
2 American Psychiatric Association:

3 (A) schizophrenia;

4 (B) paranoid and other psychotic disorders;

5 (C) bipolar disorders (hypomanic, manic, depressive,  
6 and mixed);

7 (D) major depressive disorders (single episode or  
8 recurrent);

9 (E) schizoaffective disorders (bipolar or depressive);

10 (F) pervasive developmental disorders;

11 (G) obsessive-compulsive disorders;

12 (H) depression in childhood and adolescence;

13 (I) panic disorder;

14 (J) post-traumatic stress disorders (acute, chronic,  
15 or with delayed onset); and

16 (K) anorexia nervosa and bulimia nervosa.

17 (3) Upon request of the reimbursing insurer, a provider of  
18 treatment of serious mental illness shall furnish medical  
19 records or other necessary data that substantiate that initial  
20 or continued treatment is at all times medically necessary. An  
21 insurer shall provide a mechanism for the timely review by a  
22 provider holding the same license and practicing in the same  
23 specialty as the patient's provider, who is unaffiliated with  
24 the insurer, jointly selected by the patient (or the patient's  
25 next of kin or legal representative if the patient is unable to  
26 act for himself or herself), the patient's provider, and the

1 insurer in the event of a dispute between the insurer and  
2 patient's provider regarding the medical necessity of a  
3 treatment proposed by a patient's provider. If the reviewing  
4 provider determines the treatment to be medically necessary,  
5 the insurer shall provide reimbursement for the treatment.  
6 Future contractual or employment actions by the insurer  
7 regarding the patient's provider may not be based on the  
8 provider's participation in this procedure. Nothing prevents  
9 the insured from agreeing in writing to continue treatment at  
10 his or her expense. When making a determination of the medical  
11 necessity for a treatment modality for serious mental illness,  
12 an insurer must make the determination in a manner that is  
13 consistent with the manner used to make that determination with  
14 respect to other diseases or illnesses covered under the  
15 policy, including an appeals process.

16 (4) A group health benefit plan:

17 (A) shall provide coverage based upon medical  
18 necessity for the following treatment of mental illness in  
19 each calendar year:

20 (i) 45 days of inpatient treatment; and

21 (ii) beginning on June 26, 2006 (the effective date  
22 of Public Act 94-921), 60 visits for outpatient  
23 treatment including group and individual outpatient  
24 treatment; and

25 (iii) for plans or policies delivered, issued for  
26 delivery, renewed, or modified after January 1, 2007

1 (the effective date of Public Act 94-906), 20  
2 additional outpatient visits for speech therapy for  
3 treatment of pervasive developmental disorders that  
4 will be in addition to speech therapy provided pursuant  
5 to item (ii) of this subparagraph (A);

6 (B) may not include a lifetime limit on the number of  
7 days of inpatient treatment or the number of outpatient  
8 visits covered under the plan; and

9 (C) shall include the same amount limits, deductibles,  
10 copayments, and coinsurance factors for serious mental  
11 illness as for physical illness.

12 (5) An issuer of a group health benefit plan may not count  
13 toward the number of outpatient visits required to be covered  
14 under this Section an outpatient visit for the purpose of  
15 medication management and shall cover the outpatient visits  
16 under the same terms and conditions as it covers outpatient  
17 visits for the treatment of physical illness.

18 (6) An issuer of a group health benefit plan may provide or  
19 offer coverage required under this Section through a managed  
20 care plan.

21 (7) This Section shall not be interpreted to require a  
22 group health benefit plan to provide coverage for treatment of:

23 (A) an addiction to a controlled substance or cannabis  
24 that is used in violation of law; or

25 (B) mental illness resulting from the use of a  
26 controlled substance or cannabis in violation of law.

1 (8) (Blank).

2 (c) This Section shall not be interpreted to require  
3 coverage for speech therapy or other habilitative services for  
4 those individuals covered under Section 356z.15 ~~356z.14~~ of this  
5 Code.

6 (Source: P.A. 95-331, eff. 8-21-07; 95-972, eff. 9-22-08;  
7 95-973, eff. 1-1-09; 95-1049, eff. 1-1-10; 96-328, eff.  
8 8-11-09; revised 9-25-09.)

9 (215 ILCS 5/451) (from Ch. 73, par. 1063)

10 Sec. 451. Companies not subject to Code. This Code shall  
11 not apply to companies now or hereafter organized or  
12 transacting business under the Title Insurance Act, or Act  
13 amendatory thereof, supplementary thereto, or in replacement  
14 thereof; nor to corporations now or hereafter organized and  
15 transacting business under "An Act to provide for the  
16 incorporation and regulation of nonprofit hospital service  
17 corporations" approved July 6, 1935, or Act amendatory thereof  
18 or supplementary thereto; nor shall any part of this Code other  
19 than Articles X, XI, XIII, and XXIV apply to companies now or  
20 hereafter organized or transacting business under an Act  
21 entitled, "An Act relating to local mutual district, county and  
22 township insurance companies," approved March 13, 1936, or Act  
23 amendatory thereof or supplementary thereto. No domestic  
24 company shall be organized under this Code, nor shall any  
25 foreign or alien company receive a certificate of authority

1 under this Code, to transact the business of title insurance.  
2 The changes made to this Section by Public Act 96-334 are ~~this~~  
3 ~~amendatory Act of the 96th General Assembly~~ is a statement and  
4 clarification of existing law.

5 (Source: P.A. 96-334, eff. 1-1-10; revised 11-3-09.)

6 Section 400. The Producer Controlled Insurer Act is amended  
7 by changing Section 10 as follows:

8 (215 ILCS 107/10)

9 Sec. 10. Applicability. This Act applies to licensed  
10 insurers domiciled in this State or domiciled in a state that  
11 is not an accredited state having in effect a substantially  
12 similar law. All provisions of Article VIII 1/2 of the Illinois  
13 Insurance Code, to the extent not superseded ~~supereeded~~ by this  
14 Act, shall apply to all parties within holding company systems  
15 subject to this Act.

16 (Source: P.A. 87-1090; revised 10-30-09.)

17 Section 405. The Health Maintenance Organization Act is  
18 amended by changing Section 5-3 as follows:

19 (215 ILCS 125/5-3) (from Ch. 111 1/2, par. 1411.2)

20 (Text of Section before amendment by P.A. 96-833)

21 Sec. 5-3. Insurance Code provisions.

22 (a) Health Maintenance Organizations shall be subject to

1 the provisions of Sections 133, 134, 137, 140, 141.1, 141.2,  
2 141.3, 143, 143c, 147, 148, 149, 151, 152, 153, 154, 154.5,  
3 154.6, 154.7, 154.8, 155.04, 355.2, 356g.5-1, 356m, 356v, 356w,  
4 356x, 356y, 356z.2, 356z.4, 356z.5, 356z.6, 356z.8, 356z.9,  
5 356z.10, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15 ~~356z.14~~,  
6 356z.17 ~~356z.15~~, 364.01, 367.2, 367.2-5, 367i, 368a, 368b,  
7 368c, 368d, 368e, 370c, 401, 401.1, 402, 403, 403A, 408, 408.2,  
8 409, 412, 444, and 444.1, paragraph (c) of subsection (2) of  
9 Section 367, and Articles IIA, VIII 1/2, XII, XII 1/2, XIII,  
10 XIII 1/2, XXV, and XXVI of the Illinois Insurance Code.

11 (b) For purposes of the Illinois Insurance Code, except for  
12 Sections 444 and 444.1 and Articles XIII and XIII 1/2, Health  
13 Maintenance Organizations in the following categories are  
14 deemed to be "domestic companies":

15 (1) a corporation authorized under the Dental Service  
16 Plan Act or the Voluntary Health Services Plans Act;

17 (2) a corporation organized under the laws of this  
18 State; or

19 (3) a corporation organized under the laws of another  
20 state, 30% or more of the enrollees of which are residents  
21 of this State, except a corporation subject to  
22 substantially the same requirements in its state of  
23 organization as is a "domestic company" under Article VIII  
24 1/2 of the Illinois Insurance Code.

25 (c) In considering the merger, consolidation, or other  
26 acquisition of control of a Health Maintenance Organization

1 pursuant to Article VIII 1/2 of the Illinois Insurance Code,

2 (1) the Director shall give primary consideration to  
3 the continuation of benefits to enrollees and the financial  
4 conditions of the acquired Health Maintenance Organization  
5 after the merger, consolidation, or other acquisition of  
6 control takes effect;

7 (2) (i) the criteria specified in subsection (1) (b) of  
8 Section 131.8 of the Illinois Insurance Code shall not  
9 apply and (ii) the Director, in making his determination  
10 with respect to the merger, consolidation, or other  
11 acquisition of control, need not take into account the  
12 effect on competition of the merger, consolidation, or  
13 other acquisition of control;

14 (3) the Director shall have the power to require the  
15 following information:

16 (A) certification by an independent actuary of the  
17 adequacy of the reserves of the Health Maintenance  
18 Organization sought to be acquired;

19 (B) pro forma financial statements reflecting the  
20 combined balance sheets of the acquiring company and  
21 the Health Maintenance Organization sought to be  
22 acquired as of the end of the preceding year and as of  
23 a date 90 days prior to the acquisition, as well as pro  
24 forma financial statements reflecting projected  
25 combined operation for a period of 2 years;

26 (C) a pro forma business plan detailing an

1           acquiring party's plans with respect to the operation  
2           of the Health Maintenance Organization sought to be  
3           acquired for a period of not less than 3 years; and

4                   (D) such other information as the Director shall  
5           require.

6           (d) The provisions of Article VIII 1/2 of the Illinois  
7           Insurance Code and this Section 5-3 shall apply to the sale by  
8           any health maintenance organization of greater than 10% of its  
9           enrollee population (including without limitation the health  
10          maintenance organization's right, title, and interest in and to  
11          its health care certificates).

12          (e) In considering any management contract or service  
13          agreement subject to Section 141.1 of the Illinois Insurance  
14          Code, the Director (i) shall, in addition to the criteria  
15          specified in Section 141.2 of the Illinois Insurance Code, take  
16          into account the effect of the management contract or service  
17          agreement on the continuation of benefits to enrollees and the  
18          financial condition of the health maintenance organization to  
19          be managed or serviced, and (ii) need not take into account the  
20          effect of the management contract or service agreement on  
21          competition.

22          (f) Except for small employer groups as defined in the  
23          Small Employer Rating, Renewability and Portability Health  
24          Insurance Act and except for medicare supplement policies as  
25          defined in Section 363 of the Illinois Insurance Code, a Health  
26          Maintenance Organization may by contract agree with a group or

1 other enrollment unit to effect refunds or charge additional  
2 premiums under the following terms and conditions:

3 (i) the amount of, and other terms and conditions with  
4 respect to, the refund or additional premium are set forth  
5 in the group or enrollment unit contract agreed in advance  
6 of the period for which a refund is to be paid or  
7 additional premium is to be charged (which period shall not  
8 be less than one year); and

9 (ii) the amount of the refund or additional premium  
10 shall not exceed 20% of the Health Maintenance  
11 Organization's profitable or unprofitable experience with  
12 respect to the group or other enrollment unit for the  
13 period (and, for purposes of a refund or additional  
14 premium, the profitable or unprofitable experience shall  
15 be calculated taking into account a pro rata share of the  
16 Health Maintenance Organization's administrative and  
17 marketing expenses, but shall not include any refund to be  
18 made or additional premium to be paid pursuant to this  
19 subsection (f)). The Health Maintenance Organization and  
20 the group or enrollment unit may agree that the profitable  
21 or unprofitable experience may be calculated taking into  
22 account the refund period and the immediately preceding 2  
23 plan years.

24 The Health Maintenance Organization shall include a  
25 statement in the evidence of coverage issued to each enrollee  
26 describing the possibility of a refund or additional premium,

1 and upon request of any group or enrollment unit, provide to  
2 the group or enrollment unit a description of the method used  
3 to calculate (1) the Health Maintenance Organization's  
4 profitable experience with respect to the group or enrollment  
5 unit and the resulting refund to the group or enrollment unit  
6 or (2) the Health Maintenance Organization's unprofitable  
7 experience with respect to the group or enrollment unit and the  
8 resulting additional premium to be paid by the group or  
9 enrollment unit.

10 In no event shall the Illinois Health Maintenance  
11 Organization Guaranty Association be liable to pay any  
12 contractual obligation of an insolvent organization to pay any  
13 refund authorized under this Section.

14 (g) Rulemaking authority to implement Public Act 95-1045  
15 ~~this amendatory Act of the 95th General Assembly~~, if any, is  
16 conditioned on the rules being adopted in accordance with all  
17 provisions of the Illinois Administrative Procedure Act and all  
18 rules and procedures of the Joint Committee on Administrative  
19 Rules; any purported rule not so adopted, for whatever reason,  
20 is unauthorized.

21 (Source: P.A. 95-422, eff. 8-24-07; 95-520, eff. 8-28-07;  
22 95-876, eff. 8-21-08; 95-958, eff. 6-1-09; 95-978, eff. 1-1-09;  
23 95-1005, eff. 12-12-08; 95-1045, eff. 3-27-09; 95-1049, eff.  
24 1-1-10; 96-328, eff. 8-11-09; 96-639, eff. 1-1-10; revised  
25 10-23-09.)

1 (Text of Section after amendment by P.A. 96-833)

2 Sec. 5-3. Insurance Code provisions.

3 (a) Health Maintenance Organizations shall be subject to  
4 the provisions of Sections 133, 134, 137, 140, 141.1, 141.2,  
5 141.3, 143, 143c, 147, 148, 149, 151, 152, 153, 154, 154.5,  
6 154.6, 154.7, 154.8, 155.04, 355.2, 356g.5-1, 356m, 356v, 356w,  
7 356x, 356y, 356z.2, 356z.4, 356z.5, 356z.6, 356z.8, 356z.9,  
8 356z.10, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.17,  
9 356z.18, 364.01, 367.2, 367.2-5, 367i, 368a, 368b, 368c, 368d,  
10 368e, 370c, 401, 401.1, 402, 403, 403A, 408, 408.2, 409, 412,  
11 444, and 444.1, paragraph (c) of subsection (2) of Section 367,  
12 and Articles IIA, VIII 1/2, XII, XII 1/2, XIII, XIII 1/2, XXV,  
13 and XXVI of the Illinois Insurance Code.

14 (b) For purposes of the Illinois Insurance Code, except for  
15 Sections 444 and 444.1 and Articles XIII and XIII 1/2, Health  
16 Maintenance Organizations in the following categories are  
17 deemed to be "domestic companies":

18 (1) a corporation authorized under the Dental Service  
19 Plan Act or the Voluntary Health Services Plans Act;

20 (2) a corporation organized under the laws of this  
21 State; or

22 (3) a corporation organized under the laws of another  
23 state, 30% or more of the enrollees of which are residents  
24 of this State, except a corporation subject to  
25 substantially the same requirements in its state of  
26 organization as is a "domestic company" under Article VIII

1           1/2 of the Illinois Insurance Code.

2           (c) In considering the merger, consolidation, or other  
3 acquisition of control of a Health Maintenance Organization  
4 pursuant to Article VIII 1/2 of the Illinois Insurance Code,

5                 (1) the Director shall give primary consideration to  
6 the continuation of benefits to enrollees and the financial  
7 conditions of the acquired Health Maintenance Organization  
8 after the merger, consolidation, or other acquisition of  
9 control takes effect;

10                (2) (i) the criteria specified in subsection (1) (b) of  
11 Section 131.8 of the Illinois Insurance Code shall not  
12 apply and (ii) the Director, in making his determination  
13 with respect to the merger, consolidation, or other  
14 acquisition of control, need not take into account the  
15 effect on competition of the merger, consolidation, or  
16 other acquisition of control;

17                (3) the Director shall have the power to require the  
18 following information:

19                   (A) certification by an independent actuary of the  
20 adequacy of the reserves of the Health Maintenance  
21 Organization sought to be acquired;

22                   (B) pro forma financial statements reflecting the  
23 combined balance sheets of the acquiring company and  
24 the Health Maintenance Organization sought to be  
25 acquired as of the end of the preceding year and as of  
26 a date 90 days prior to the acquisition, as well as pro

1           forma financial statements reflecting projected  
2           combined operation for a period of 2 years;

3           (C) a pro forma business plan detailing an  
4           acquiring party's plans with respect to the operation  
5           of the Health Maintenance Organization sought to be  
6           acquired for a period of not less than 3 years; and

7           (D) such other information as the Director shall  
8           require.

9           (d) The provisions of Article VIII 1/2 of the Illinois  
10          Insurance Code and this Section 5-3 shall apply to the sale by  
11          any health maintenance organization of greater than 10% of its  
12          enrollee population (including without limitation the health  
13          maintenance organization's right, title, and interest in and to  
14          its health care certificates).

15          (e) In considering any management contract or service  
16          agreement subject to Section 141.1 of the Illinois Insurance  
17          Code, the Director (i) shall, in addition to the criteria  
18          specified in Section 141.2 of the Illinois Insurance Code, take  
19          into account the effect of the management contract or service  
20          agreement on the continuation of benefits to enrollees and the  
21          financial condition of the health maintenance organization to  
22          be managed or serviced, and (ii) need not take into account the  
23          effect of the management contract or service agreement on  
24          competition.

25          (f) Except for small employer groups as defined in the  
26          Small Employer Rating, Renewability and Portability Health

1 Insurance Act and except for medicare supplement policies as  
2 defined in Section 363 of the Illinois Insurance Code, a Health  
3 Maintenance Organization may by contract agree with a group or  
4 other enrollment unit to effect refunds or charge additional  
5 premiums under the following terms and conditions:

6 (i) the amount of, and other terms and conditions with  
7 respect to, the refund or additional premium are set forth  
8 in the group or enrollment unit contract agreed in advance  
9 of the period for which a refund is to be paid or  
10 additional premium is to be charged (which period shall not  
11 be less than one year); and

12 (ii) the amount of the refund or additional premium  
13 shall not exceed 20% of the Health Maintenance  
14 Organization's profitable or unprofitable experience with  
15 respect to the group or other enrollment unit for the  
16 period (and, for purposes of a refund or additional  
17 premium, the profitable or unprofitable experience shall  
18 be calculated taking into account a pro rata share of the  
19 Health Maintenance Organization's administrative and  
20 marketing expenses, but shall not include any refund to be  
21 made or additional premium to be paid pursuant to this  
22 subsection (f)). The Health Maintenance Organization and  
23 the group or enrollment unit may agree that the profitable  
24 or unprofitable experience may be calculated taking into  
25 account the refund period and the immediately preceding 2  
26 plan years.

1           The Health Maintenance Organization shall include a  
2 statement in the evidence of coverage issued to each enrollee  
3 describing the possibility of a refund or additional premium,  
4 and upon request of any group or enrollment unit, provide to  
5 the group or enrollment unit a description of the method used  
6 to calculate (1) the Health Maintenance Organization's  
7 profitable experience with respect to the group or enrollment  
8 unit and the resulting refund to the group or enrollment unit  
9 or (2) the Health Maintenance Organization's unprofitable  
10 experience with respect to the group or enrollment unit and the  
11 resulting additional premium to be paid by the group or  
12 enrollment unit.

13           In no event shall the Illinois Health Maintenance  
14 Organization Guaranty Association be liable to pay any  
15 contractual obligation of an insolvent organization to pay any  
16 refund authorized under this Section.

17           (g) Rulemaking authority to implement Public Act 95-1045,  
18 if any, is conditioned on the rules being adopted in accordance  
19 with all provisions of the Illinois Administrative Procedure  
20 Act and all rules and procedures of the Joint Committee on  
21 Administrative Rules; any purported rule not so adopted, for  
22 whatever reason, is unauthorized.

23           (Source: P.A. 95-422, eff. 8-24-07; 95-520, eff. 8-28-07;  
24 95-876, eff. 8-21-08; 95-958, eff. 6-1-09; 95-978, eff. 1-1-09;  
25 95-1005, eff. 12-12-08; 95-1045, eff. 3-27-09; 95-1049, eff.  
26 1-1-10; 96-328, eff. 8-11-09; 96-639, eff. 1-1-10; 96-833, eff.

1 6-1-10.)

2 Section 410. The Voluntary Health Services Plans Act is  
3 amended by changing Section 10 as follows:

4 (215 ILCS 165/10) (from Ch. 32, par. 604)

5 (Text of Section before amendment by P.A. 96-833)

6 Sec. 10. Application of Insurance Code provisions. Health  
7 services plan corporations and all persons interested therein  
8 or dealing therewith shall be subject to the provisions of  
9 Articles IIA and XII 1/2 and Sections 3.1, 133, 140, 143, 143c,  
10 149, 155.37, 354, 355.2, 356g, 356g.5, 356g.5-1, 356r, 356t,  
11 356u, 356v, 356w, 356x, 356y, 356z.1, 356z.2, 356z.4, 356z.5,  
12 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13,  
13 356z.14, 356z.15 ~~356z.14~~, 364.01, 367.2, 368a, 401, 401.1, 402,  
14 403, 403A, 408, 408.2, and 412, and paragraphs (7) and (15) of  
15 Section 367 of the Illinois Insurance Code.

16 Rulemaking authority to implement Public Act 95-1045 ~~this~~  
17 ~~amendatory Act of the 95th General Assembly~~, if any, is  
18 conditioned on the rules being adopted in accordance with all  
19 provisions of the Illinois Administrative Procedure Act and all  
20 rules and procedures of the Joint Committee on Administrative  
21 Rules; any purported rule not so adopted, for whatever reason,  
22 is unauthorized.

23 (Source: P.A. 95-189, eff. 8-16-07; 95-331, eff. 8-21-07;  
24 95-422, eff. 8-24-07; 95-520, eff. 8-28-07; 95-876, eff.

1 8-21-08; 95-958, eff. 6-1-09; 95-978, eff. 1-1-09; 95-1005,  
2 eff. 12-12-08; 95-1045, eff. 3-27-09; 95-1049, eff. 1-1-10;  
3 96-328, eff. 8-11-09; revised 9-25-09.)

4 (Text of Section after amendment by P.A. 96-833)

5 Sec. 10. Application of Insurance Code provisions. Health  
6 services plan corporations and all persons interested therein  
7 or dealing therewith shall be subject to the provisions of  
8 Articles IIA and XII 1/2 and Sections 3.1, 133, 140, 143, 143c,  
9 149, 155.37, 354, 355.2, 356g, 356g.5, 356g.5-1, 356r, 356t,  
10 356u, 356v, 356w, 356x, 356y, 356z.1, 356z.2, 356z.4, 356z.5,  
11 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13,  
12 356z.14, 356z.15, 356z.18, 364.01, 367.2, 368a, 401, 401.1,  
13 402, 403, 403A, 408, 408.2, and 412, and paragraphs (7) and  
14 (15) of Section 367 of the Illinois Insurance Code.

15 Rulemaking authority to implement Public Act 95-1045, if  
16 any, is conditioned on the rules being adopted in accordance  
17 with all provisions of the Illinois Administrative Procedure  
18 Act and all rules and procedures of the Joint Committee on  
19 Administrative Rules; any purported rule not so adopted, for  
20 whatever reason, is unauthorized.

21 (Source: P.A. 95-189, eff. 8-16-07; 95-331, eff. 8-21-07;  
22 95-422, eff. 8-24-07; 95-520, eff. 8-28-07; 95-876, eff.  
23 8-21-08; 95-958, eff. 6-1-09; 95-978, eff. 1-1-09; 95-1005,  
24 eff. 12-12-08; 95-1045, eff. 3-27-09; 95-1049, eff. 1-1-10;  
25 96-328, eff. 8-11-09; 96-833, eff. 6-1-10.)

1           Section 415. The Public Utilities Act is amended by  
2 changing Sections 8-103, 19-105, and 19-112 and by setting  
3 forth, renumbering, and changing multiple versions of Section  
4 16-111.8 as follows:

5           (220 ILCS 5/8-103)

6           Sec. 8-103. Energy efficiency and demand-response  
7 measures.

8           (a) It is the policy of the State that electric utilities  
9 are required to use cost-effective energy efficiency and  
10 demand-response measures to reduce delivery load. Requiring  
11 investment in cost-effective energy efficiency and  
12 demand-response measures will reduce direct and indirect costs  
13 to consumers by decreasing environmental impacts and by  
14 avoiding or delaying the need for new generation, transmission,  
15 and distribution infrastructure. It serves the public interest  
16 to allow electric utilities to recover costs for reasonably and  
17 prudently incurred expenses for energy efficiency and  
18 demand-response measures. As used in this Section,  
19 "cost-effective" means that the measures satisfy the total  
20 resource cost test. The low-income measures described in  
21 subsection (f) (4) of this Section shall not be required to meet  
22 the total resource cost test. For purposes of this Section, the  
23 terms "energy-efficiency", "demand-response", "electric  
24 utility", and "total resource cost test" shall have the

1 meanings set forth in the Illinois Power Agency Act. For  
2 purposes of this Section, the amount per kilowatthour means the  
3 total amount paid for electric service expressed on a per  
4 kilowatthour basis. For purposes of this Section, the total  
5 amount paid for electric service includes without limitation  
6 estimated amounts paid for supply, transmission, distribution,  
7 surcharges, and add-on-taxes.

8 (b) Electric utilities shall implement cost-effective  
9 energy efficiency measures to meet the following incremental  
10 annual energy savings goals:

11 (1) 0.2% of energy delivered in the year commencing  
12 June 1, 2008;

13 (2) 0.4% of energy delivered in the year commencing  
14 June 1, 2009;

15 (3) 0.6% of energy delivered in the year commencing  
16 June 1, 2010;

17 (4) 0.8% of energy delivered in the year commencing  
18 June 1, 2011;

19 (5) 1% of energy delivered in the year commencing June  
20 1, 2012;

21 (6) 1.4% of energy delivered in the year commencing  
22 June 1, 2013;

23 (7) 1.8% of energy delivered in the year commencing  
24 June 1, 2014; and

25 (8) 2% of energy delivered in the year commencing June  
26 1, 2015 and each year thereafter.

1           (c) Electric utilities shall implement cost-effective  
2 demand-response measures to reduce peak demand by 0.1% over the  
3 prior year for eligible retail customers, as defined in Section  
4 16-111.5 of this Act, and for customers that elect hourly  
5 service from the utility pursuant to Section 16-107 of this  
6 Act, provided those customers have not been declared  
7 competitive. This requirement commences June 1, 2008 and  
8 continues for 10 years.

9           (d) Notwithstanding the requirements of subsections (b)  
10 and (c) of this Section, an electric utility shall reduce the  
11 amount of energy efficiency and demand-response measures  
12 implemented in any single year by an amount necessary to limit  
13 the estimated average increase in the amounts paid by retail  
14 customers in connection with electric service due to the cost  
15 of those measures to:

16                 (1) in 2008, no more than 0.5% of the amount paid per  
17 kilowatthour by those customers during the year ending May  
18 31, 2007;

19                 (2) in 2009, the greater of an additional 0.5% of the  
20 amount paid per kilowatthour by those customers during the  
21 year ending May 31, 2008 or 1% of the amount paid per  
22 kilowatthour by those customers during the year ending May  
23 31, 2007;

24                 (3) in 2010, the greater of an additional 0.5% of the  
25 amount paid per kilowatthour by those customers during the  
26 year ending May 31, 2009 or 1.5% of the amount paid per

1 kilowatthour by those customers during the year ending May  
2 31, 2007;

3 (4) in 2011, the greater of an additional 0.5% of the  
4 amount paid per kilowatthour by those customers during the  
5 year ending May 31, 2010 or 2% of the amount paid per  
6 kilowatthour by those customers during the year ending May  
7 31, 2007; and

8 (5) thereafter, the amount of energy efficiency and  
9 demand-response measures implemented for any single year  
10 shall be reduced by an amount necessary to limit the  
11 estimated average net increase due to the cost of these  
12 measures included in the amounts paid by eligible retail  
13 customers in connection with electric service to no more  
14 than the greater of 2.015% of the amount paid per  
15 kilowatthour by those customers during the year ending May  
16 31, 2007 or the incremental amount per kilowatthour paid  
17 for these measures in 2011.

18 No later than June 30, 2011, the Commission shall review  
19 the limitation on the amount of energy efficiency and  
20 demand-response measures implemented pursuant to this Section  
21 and report to the General Assembly its findings as to whether  
22 that limitation unduly constrains the procurement of energy  
23 efficiency and demand-response measures.

24 (e) Electric utilities shall be responsible for overseeing  
25 the design, development, and filing of energy efficiency and  
26 demand-response plans with the Commission. Electric utilities

1 shall implement 100% of the demand-response measures in the  
2 plans. Electric utilities shall implement 75% of the energy  
3 efficiency measures approved by the Commission, and may, as  
4 part of that implementation, outsource various aspects of  
5 program development and implementation. The remaining 25% of  
6 those energy efficiency measures approved by the Commission  
7 shall be implemented by the Department of Commerce and Economic  
8 Opportunity, and must be designed in conjunction with the  
9 utility and the filing process. The Department may outsource  
10 development and implementation of energy efficiency measures.  
11 A minimum of 10% of the entire portfolio of cost-effective  
12 energy efficiency measures shall be procured from units of  
13 local government, municipal corporations, school districts,  
14 and community college districts. The Department shall  
15 coordinate the implementation of these measures.

16 The apportionment of the dollars to cover the costs to  
17 implement the Department's share of the portfolio of energy  
18 efficiency measures shall be made to the Department once the  
19 Department has executed grants or contracts for energy  
20 efficiency measures and provided supporting documentation for  
21 those grants and the contracts to the utility.

22 The details of the measures implemented by the Department  
23 shall be submitted by the Department to the Commission in  
24 connection with the utility's filing regarding the energy  
25 efficiency and demand-response measures that the utility  
26 implements.

1           A utility providing approved energy efficiency and  
2 demand-response measures in the State shall be permitted to  
3 recover costs of those measures through an automatic adjustment  
4 clause tariff filed with and approved by the Commission. The  
5 tariff shall be established outside the context of a general  
6 rate case. Each year the Commission shall initiate a review to  
7 reconcile any amounts collected with the actual costs and to  
8 determine the required adjustment to the annual tariff factor  
9 to match annual expenditures.

10           Each utility shall include, in its recovery of costs, the  
11 costs estimated for both the utility's and the Department's  
12 implementation of energy efficiency and demand-response  
13 measures. Costs collected by the utility for measures  
14 implemented by the Department shall be submitted to the  
15 Department pursuant to Section 605-323 of the Civil  
16 Administrative Code of Illinois and shall be used by the  
17 Department solely for the purpose of implementing these  
18 measures. A utility shall not be required to advance any moneys  
19 to the Department but only to forward such funds as it has  
20 collected. The Department shall report to the Commission on an  
21 annual basis regarding the costs actually incurred by the  
22 Department in the implementation of the measures. Any changes  
23 to the costs of energy efficiency measures as a result of plan  
24 modifications shall be appropriately reflected in amounts  
25 recovered by the utility and turned over to the Department.

26           The portfolio of measures, administered by both the

1 utilities and the Department, shall, in combination, be  
2 designed to achieve the annual savings targets described in  
3 subsections (b) and (c) of this Section, as modified by  
4 subsection (d) of this Section.

5 The utility and the Department shall agree upon a  
6 reasonable portfolio of measures and determine the measurable  
7 corresponding percentage of the savings goals associated with  
8 measures implemented by the utility or Department.

9 No utility shall be assessed a penalty under subsection (f)  
10 of this Section for failure to make a timely filing if that  
11 failure is the result of a lack of agreement with the  
12 Department with respect to the allocation of responsibilities  
13 or related costs or target assignments. In that case, the  
14 Department and the utility shall file their respective plans  
15 with the Commission and the Commission shall determine an  
16 appropriate division of measures and programs that meets the  
17 requirements of this Section.

18 If the Department is unable to meet incremental annual  
19 performance goals for the portion of the portfolio implemented  
20 by the Department, then the utility and the Department shall  
21 jointly submit a modified filing to the Commission explaining  
22 the performance shortfall and recommending an appropriate  
23 course going forward, including any program modifications that  
24 may be appropriate in light of the evaluations conducted under  
25 item (7) of subsection (f) of this Section. In this case, the  
26 utility obligation to collect the Department's costs and turn

1 over those funds to the Department under this subsection (e)  
2 shall continue only if the Commission approves the  
3 modifications to the plan proposed by the Department.

4 (f) No later than November 15, 2007, each electric utility  
5 shall file an energy efficiency and demand-response plan with  
6 the Commission to meet the energy efficiency and  
7 demand-response standards for 2008 through 2010. Every 3 years  
8 thereafter, each electric utility shall file, no later than  
9 October 1, an energy efficiency and demand-response plan with  
10 the Commission. If a utility does not file such a plan by  
11 October 1 of an applicable year, it shall face a penalty of  
12 \$100,000 per day until the plan is filed. Each utility's plan  
13 shall set forth the utility's proposals to meet the utility's  
14 portion of the energy efficiency standards identified in  
15 subsection (b) and the demand-response standards identified in  
16 subsection (c) of this Section as modified by subsections (d)  
17 and (e), taking into account the unique circumstances of the  
18 utility's service territory. The Commission shall seek public  
19 comment on the utility's plan and shall issue an order  
20 approving or disapproving each plan within 3 months after its  
21 submission. If the Commission disapproves a plan, the  
22 Commission shall, within 30 days, describe in detail the  
23 reasons for the disapproval and describe a path by which the  
24 utility may file a revised draft of the plan to address the  
25 Commission's concerns satisfactorily. If the utility does not  
26 refile with the Commission within 60 days, the utility shall be

1 subject to penalties at a rate of \$100,000 per day until the  
2 plan is filed. This process shall continue, and penalties shall  
3 accrue, until the utility has successfully filed a portfolio of  
4 energy efficiency and demand-response measures. Penalties  
5 shall be deposited into the Energy Efficiency Trust Fund. In  
6 submitting proposed energy efficiency and demand-response  
7 plans and funding levels to meet the savings goals adopted by  
8 this Act the utility shall:

9 (1) Demonstrate that its proposed energy efficiency  
10 and demand-response measures will achieve the requirements  
11 that are identified in subsections (b) and (c) of this  
12 Section, as modified by subsections (d) and (e).

13 (2) Present specific proposals to implement new  
14 building and appliance standards that have been placed into  
15 effect.

16 (3) Present estimates of the total amount paid for  
17 electric service expressed on a per kilowatthour basis  
18 associated with the proposed portfolio of measures  
19 designed to meet the requirements that are identified in  
20 subsections (b) and (c) of this Section, as modified by  
21 subsections (d) and (e).

22 (4) Coordinate with the Department to present a  
23 portfolio of energy efficiency measures proportionate to  
24 the share of total annual utility revenues in Illinois from  
25 households at or below 150% of the poverty level. The  
26 energy efficiency programs shall be targeted to households

1 with incomes at or below 80% of area median income.

2 (5) Demonstrate that its overall portfolio of energy  
3 efficiency and demand-response measures, not including  
4 programs covered by item (4) of this subsection (f), are  
5 cost-effective using the total resource cost test and  
6 represent a diverse cross-section of opportunities for  
7 customers of all rate classes to participate in the  
8 programs.

9 (6) Include a proposed cost-recovery tariff mechanism  
10 to fund the proposed energy efficiency and demand-response  
11 measures and to ensure the recovery of the prudently and  
12 reasonably incurred costs of Commission-approved programs.

13 (7) Provide for an annual independent evaluation of the  
14 performance of the cost-effectiveness of the utility's  
15 portfolio of measures and the Department's portfolio of  
16 measures, as well as a full review of the 3-year results of  
17 the broader net program impacts and, to the extent  
18 practical, for adjustment of the measures on a  
19 going-forward basis as a result of the evaluations. The  
20 resources dedicated to evaluation shall not exceed 3% of  
21 portfolio resources in any given year.

22 (g) No more than 3% of energy efficiency and  
23 demand-response program revenue may be allocated for  
24 demonstration of breakthrough equipment and devices.

25 (h) This Section does not apply to an electric utility that  
26 on December 31, 2005 provided electric service to fewer than

1 100,000 customers in Illinois.

2 (i) If, after 2 years, an electric utility fails to meet  
3 the efficiency standard specified in subsection (b) of this  
4 Section, as modified by subsections (d) and (e), it shall make  
5 a contribution to the Low-Income Home Energy Assistance  
6 Program. The combined total liability for failure to meet the  
7 goal shall be \$1,000,000, which shall be assessed as follows: a  
8 large electric utility shall pay \$665,000, and a medium  
9 electric utility shall pay \$335,000. If, after 3 years, an  
10 electric utility fails to meet the efficiency standard  
11 specified in subsection (b) of this Section, as modified by  
12 subsections (d) and (e), it shall make a contribution to the  
13 Low-Income Home Energy Assistance Program. The combined total  
14 liability for failure to meet the goal shall be \$1,000,000,  
15 which shall be assessed as follows: a large electric utility  
16 shall pay \$665,000, and a medium electric utility shall pay  
17 \$335,000. In addition, the responsibility for implementing the  
18 energy efficiency measures of the utility making the payment  
19 shall be transferred to the Illinois Power Agency if, after 3  
20 years, or in any subsequent 3-year period, the utility fails to  
21 meet the efficiency standard specified in subsection (b) of  
22 this Section, as modified by subsections (d) and (e). The  
23 Agency shall implement a competitive procurement program to  
24 procure resources necessary to meet the standards specified in  
25 this Section as modified by subsections (d) and (e), with costs  
26 for those resources to be recovered in the same manner as

1 products purchased through the procurement plan as provided in  
2 Section 16-111.5. The Director shall implement this  
3 requirement in connection with the procurement plan as provided  
4 in Section 16-111.5.

5 For purposes of this Section, (i) a "large electric  
6 utility" is an electric utility that, on December 31, 2005,  
7 served more than 2,000,000 electric customers in Illinois; (ii)  
8 a "medium electric utility" is an electric utility that, on  
9 December 31, 2005, served 2,000,000 or fewer but more than  
10 100,000 electric customers in Illinois; and (iii) Illinois  
11 electric utilities that are affiliated by virtue of a common  
12 parent company are considered a single electric utility.

13 (j) If, after 3 years, or any subsequent 3-year period, the  
14 Department fails to implement the Department's share of energy  
15 efficiency measures required by the standards in subsection  
16 (b), then the Illinois Power Agency may assume responsibility  
17 for and control of the Department's share of the required  
18 energy efficiency measures. The Agency shall implement a  
19 competitive procurement program to procure resources necessary  
20 to meet the standards specified in this Section, with the costs  
21 of these resources to be recovered in the same manner as  
22 provided for the Department in this Section.

23 (k) No electric utility shall be deemed to have failed to  
24 meet the energy efficiency standards to the extent any such  
25 failure is due to a failure of the Department or the Agency.

26 (Source: P.A. 95-481, eff. 8-28-07; 95-876, eff. 8-21-08;

1 96-33, eff. 7-10-09; 96-159, eff. 8-10-09; revised 9-15-09.)

2 (220 ILCS 5/16-111.8)

3 Sec. 16-111.8. Automatic adjustment clause tariff;  
4 uncollectibles.

5 (a) An electric utility shall be permitted, at its  
6 election, to recover through an automatic adjustment clause  
7 tariff the incremental difference between its actual  
8 uncollectible amount as set forth in Account 904 in the  
9 utility's most recent annual FERC Form 1 and the uncollectible  
10 amount included in the utility's rates for the period reported  
11 in such annual FERC Form 1. The Commission may, in a proceeding  
12 to review a general rate case filed subsequent to the effective  
13 date of the tariff established under this Section,  
14 prospectively switch from using the actual uncollectible  
15 amount set forth in Account 904 to using net write-offs in such  
16 tariff, but only if net write-offs are also used to determine  
17 the utility's uncollectible amount in rates. In the event the  
18 Commission requires such a change, it shall be made effective  
19 at the beginning of the first full calendar year after the new  
20 rates approved in such proceeding are first placed in effect  
21 and an adjustment shall be made, if necessary, to ensure the  
22 change does not result in double-recovery or unrecovered  
23 uncollectible amounts for any year. For purposes of this  
24 Section, "uncollectible amount" means the expense set forth in  
25 Account 904 of the utility's FERC Form 1 or cost of net

1 write-offs as appropriate. In the event the utility's rates  
2 change during the period of time reported in its most recent  
3 annual FERC Form 1, the uncollectible amount included in the  
4 utility's rates during such period of time for purposes of this  
5 Section will be a weighted average, based on revenues earned  
6 during such period by the utility under each set of rates, of  
7 the uncollectible amount included in the utility's rates at the  
8 beginning of such period and at the end of such period. This  
9 difference may either be a charge or a credit to customers  
10 depending on whether the uncollectible amount is more or less  
11 than the uncollectible amount then included in the utility's  
12 rates.

13 (b) The tariff may be established outside the context of a  
14 general rate case filing and shall specify the terms of any  
15 applicable audit. The Commission shall review and by order  
16 approve, or approve as modified, the proposed tariff within 180  
17 days after the date on which it is filed. Charges and credits  
18 under the tariff shall be allocated to the appropriate customer  
19 class or classes. In addition, customers who purchase their  
20 electric supply from an alternative retail electric supplier  
21 shall not be charged by the utility for uncollectible amounts  
22 associated with electric supply provided by the utility to the  
23 utility's customers, provided that nothing in this Section is  
24 intended to affect or alter the rights and obligations imposed  
25 pursuant to Section 16-118 of this Act and any Commission order  
26 issued thereunder. Upon approval of the tariff, the utility

1 shall, based on the 2008 FERC Form 1, apply the appropriate  
2 credit or charge based on the full year 2008 amounts for the  
3 remainder of the 2010 calendar year. Starting with the 2009  
4 FERC Form 1 reporting period and each subsequent period, the  
5 utility shall apply the appropriate credit or charge over a  
6 12-month period beginning with the June billing period and  
7 ending with the May billing period, with the first such billing  
8 period beginning June 2010.

9 (c) The approved tariff shall provide that the utility  
10 shall file a petition with the Commission annually, no later  
11 than August 31st, seeking initiation of an annual review to  
12 reconcile all amounts collected with the actual uncollectible  
13 amount in the prior period. As part of its review, the  
14 Commission shall verify that the utility collects no more and  
15 no less than its actual uncollectible amount in each applicable  
16 FERC Form 1 reporting period. The Commission shall review the  
17 prudence and reasonableness of the utility's actions to pursue  
18 minimization and collection of uncollectibles which shall  
19 include, at a minimum, the 6 enumerated criteria set forth in  
20 this Section. The Commission shall determine any required  
21 adjustments and may include suggestions for prospective  
22 changes in current practices. Nothing in this Section or the  
23 implementing tariffs shall affect or alter the electric  
24 utility's existing obligation to pursue collection of  
25 uncollectibles or the electric utility's right to disconnect  
26 service. A utility that has in effect a tariff authorized by

1 this Section shall pursue minimization of and collection of  
2 uncollectibles through the following activities, including,  
3 but not limited to:

4 (1) identifying customers with late payments;

5 (2) contacting the customers in an effort to obtain  
6 payment;

7 (3) providing delinquent customers with information  
8 about possible options, including payment plans and  
9 assistance programs;

10 (4) serving disconnection notices;

11 (5) implementing disconnections based on the level of  
12 uncollectibles; and

13 (6) pursuing collection activities based on the level  
14 of uncollectibles.

15 (d) Nothing in this Section shall be construed to require a  
16 utility to immediately disconnect service for nonpayment.

17 (Source: P.A. 96-33, eff. 7-10-09.)

18 (220 ILCS 5/16-111.9)

19 Sec. 16-111.9 ~~16-111.8~~. Rate relief; electricity  
20 suppliers. On and after August 14, 2009 (the effective date of  
21 Public Act 96-533) ~~this amendatory Act of the 96th General~~  
22 ~~Assembly~~, any electric utility providing rate relief pursuant  
23 to Section 16-111.5A of this Act shall not deem any residential  
24 or non-residential customer to be ineligible to receive that  
25 relief solely based upon that customer's purchase of

1 electricity from a supplier other than that electric utility at  
2 the time the rate relief is to be credited to that customer.  
3 Nothing in this Section shall entitle customers of an electric  
4 utility that had been previously deemed ineligible prior to  
5 August 14, 2009 (the effective date of Public Act 96-533) ~~this~~  
6 ~~amendatory Act of the 96th General Assembly~~ to become eligible  
7 for rate relief credits.

8 (Source: P.A. 96-533, eff. 8-14-09; revised 9-15-09.)

9 (220 ILCS 5/19-105)

10 Sec. 19-105. Definitions. For the purposes of this Article,  
11 the following terms shall be defined as set forth in this  
12 Section.

13 "Alternative gas supplier" means every person,  
14 cooperative, corporation, municipal corporation, company,  
15 association, joint stock company or association, firm,  
16 partnership, individual, or other entity, their lessees,  
17 trustees, or receivers appointed by any court whatsoever, that  
18 offers gas for sale, lease, or in exchange for other value  
19 received to one or more customers, or that engages in the  
20 furnishing of gas to one or more customers, and shall include  
21 affiliated interests of a gas utility, resellers, aggregators  
22 and marketers, but shall not include (i) gas utilities (or any  
23 agent of the gas utility to the extent the gas utility provides  
24 tariffed services to customers through an agent); (ii) public  
25 utilities that are owned and operated by any political

1 subdivision, public institution of higher education or  
2 municipal corporation of this State, or public utilities that  
3 are owned by a political subdivision, public institution of  
4 higher education, or municipal corporation and operated by any  
5 of its lessees or operating agents; (iii) natural gas  
6 cooperatives that are not-for-profit corporations operated for  
7 the purpose of administering, on a cooperative basis, the  
8 furnishing of natural gas for the benefit of their members who  
9 are consumers of natural gas; and (iv) the ownership or  
10 operation of a facility that sells compressed natural gas at  
11 retail to the public for use only as a motor vehicle fuel and  
12 the selling of compressed natural gas at retail to the public  
13 for use only as a motor vehicle fuel.

14 "Gas utility" means a public utility, as defined in Section  
15 3-105 of this Act, that has a franchise, license, permit, or  
16 right to furnish or sell gas or transportation services to  
17 customers within a service area.

18 "Residential customer" means a customer who receives gas  
19 utility service for household purposes distributed to a  
20 dwelling of 2 or fewer units which is billed under a  
21 residential rate or gas utility service for household purposes  
22 distributed to a dwelling unit or units which is billed under a  
23 residential rate and is registered by a separate meter for each  
24 dwelling unit.

25 "Sales agent" means any employee, agent, independent  
26 contractor, consultant, or other person that is engaged by the

1 alternative gas supplier to solicit customers to purchase,  
2 enroll in, or contract for alternative gas service on behalf of  
3 an alternative gas supplier.

4 "Service area" means (i) the geographic area within which a  
5 gas utility was lawfully entitled to provide gas to customers  
6 as of the effective date of this amendatory Act of the 92nd  
7 General Assembly and includes (ii) the location of any customer  
8 to which the gas utility was lawfully providing gas utility  
9 services on such effective date.

10 "Single billing" means the combined billing of the services  
11 provided by both a natural gas utility and an alternative gas  
12 supplier to any customer who has enrolled in a customer choice  
13 program.

14 "Small commercial customer" means a nonresidential retail  
15 customer of a natural gas utility who consumed 5,000 or fewer  
16 therms of natural gas during the previous year; provided that  
17 any alternative gas supplier may remove the customer from  
18 designation as a "small commercial customer" if the customer  
19 consumes more than 5,000 therms of natural gas in any calendar  
20 year after becoming a customer of the alternative gas supplier.  
21 In determining whether a customer has consumed 5,000 or fewer  
22 therms of natural gas during the previous year, usage by the  
23 same commercial customer shall be aggregated to include usage  
24 at the same premises even if measured by more than one meter,  
25 and to include usage at multiple premises. Nothing in this  
26 Section creates an affirmative obligation on a gas utility to

1 monitor or inform customers or alternative gas suppliers as to  
2 a customer's status as a small commercial customer as that term  
3 is defined herein. Nothing in this Section relieves a gas  
4 utility from any obligation to provide information upon request  
5 to a customer, alternative gas supplier, the Commission, or  
6 others necessary to determine whether a customer meets the  
7 classification of small commercial customers as that term is  
8 defined herein.

9 "Tariffed service" means a service provided to customers by  
10 a gas utility as defined by its rates on file with the  
11 Commission pursuant to the provisions of Article IX of this  
12 Act.

13 "Transportation services" means those services provided by  
14 the gas utility that are necessary in order for the storage,  
15 transmission and distribution systems to function so that  
16 customers located in the gas utility's service area can receive  
17 gas from suppliers other than the gas utility and shall  
18 include, without limitation, standard metering and billing  
19 services.

20 (Source: P.A. 95-1051, eff. 4-10-09; 96-435, eff. 1-1-10;  
21 revised 9-4-09.)

22 (220 ILCS 5/19-112)

23 Sec. 19-112. Managerial resources.

24 (a) An alternative gas supplier must maintain sufficient  
25 managerial resources and abilities to provide the service for

1 which it has a certificate of service authority. In determining  
2 the level of managerial resources and abilities that the  
3 alternative gas supplier must demonstrate, the Commission  
4 shall consider, in addition to the requirements in Section  
5 19-110(e) (1), the following:

6 (1) complaints to the Commission by consumers  
7 regarding the alternative gas supplier, including those  
8 that reflect on the alternative gas supplier's ability to  
9 properly manage solicitation and authorization; and

10 (2) the alternative gas supplier's involvement in the  
11 Commission's consumer complaint process, including the  
12 resources the alternative gas supplier dedicates to the  
13 process and the alternative gas supplier's ability to  
14 manage the issues raised by complaints, and the resolutions  
15 of the complaints.

16 (b) The provisions of this Section shall apply only to  
17 alternative gas suppliers serving or seeking to serve  
18 residential or small commercial customers and only to the  
19 extent such alternative gas suppliers provide services to  
20 residential or small commercial customers, unless otherwise  
21 noted.

22 (Source: P.A. 95-1051, eff. 4-10-09; revised 4-17-09.)

23 Section 420. The Illinois Dental Practice Act is amended by  
24 changing Section 9 as follows:

1 (225 ILCS 25/9) (from Ch. 111, par. 2309)

2 (Section scheduled to be repealed on January 1, 2016)

3 Sec. 9. Qualifications of Applicants for Dental Licenses.

4 The Department shall require that each applicant for a license  
5 to practice dentistry shall:

6 (a) (Blank).

7 (b) Be at least 21 years of age and of good moral  
8 character.

9 (c) (1) Present satisfactory evidence of completion of  
10 dental education by graduation from a dental college or  
11 school in the United States or Canada approved by the  
12 Department. The Department shall not approve any dental  
13 college or school which does not require at least (A) 60  
14 semester hours of collegiate credit or the equivalent in  
15 acceptable subjects from a college or university before  
16 admission, and (B) completion of at least 4 academic years  
17 of instruction or the equivalent in an approved dental  
18 college or school before graduation; or

19 (2) Present satisfactory evidence of completion of  
20 dental education by graduation from a dental college or  
21 school outside the United States or Canada and provide  
22 satisfactory evidence that:

23 (A) (blank);

24 (B) the applicant has completed a minimum of 2  
25 academic years of general dental clinical training at a  
26 dental college or school in the United States or Canada

1 approved by the Department, however, an accredited  
2 advanced dental education program approved by the  
3 Department of no less than 2 years may be substituted  
4 for the 2 academic years of general dental clinical  
5 training and an applicant who was enrolled for not less  
6 than one year in an approved clinical program prior to  
7 January 1, 1993 at an Illinois dental college or school  
8 shall be required to complete only that program; and

9 (C) the applicant has received certification from  
10 the dean of an approved dental college or school in the  
11 United States or Canada or the program director of an  
12 approved advanced dental education program stating  
13 that the applicant has achieved the same level of  
14 scientific knowledge and clinical competence as  
15 required of all graduates of the college, school, or  
16 advanced dental education program.

17 Nothing in this Act shall be construed to prevent  
18 either the Department or any dental college or school from  
19 establishing higher standards than specified in this Act.

20 (d) (Blank). ~~In determining professional capacity~~  
21 ~~under this Section, any individual who has not been~~  
22 ~~actively engaged in the practice of dentistry, has not been~~  
23 ~~a dental student, or has not been engaged in a formal~~  
24 ~~program of dental education during the 5 years immediately~~  
25 ~~preceding the filing of an application may be required to~~  
26 ~~complete such additional testing, training, or remedial~~

1 ~~education as the Board may deem necessary in order to~~  
2 ~~establish the applicant's present capacity to practice~~  
3 ~~dentistry with reasonable judgment, skill, and safety.~~

4 (e) Present satisfactory evidence that the applicant  
5 has passed both parts of the National Board Dental  
6 Examination administered by the Joint Commission on  
7 National Dental Examinations and has successfully  
8 completed an examination conducted by one of the following  
9 regional testing services: the Central Regional Dental  
10 Testing Service, Inc. (CRDTS), the Southern Regional  
11 Testing Agency, Inc. (SRTA), the Western Regional  
12 Examining Board (WREB), or the North East Regional Board  
13 (NERB). For purposes of this Section, successful  
14 completion shall mean that the applicant has achieved a  
15 minimum passing score as determined by the applicable  
16 regional testing service. ~~(f)~~ The Secretary of the  
17 Department may suspend a regional testing service under  
18 this subsection (e) ~~of this Section~~ if, after proper notice  
19 and hearing, it is established that (i) the integrity of  
20 the examination has been breached so as to make future test  
21 results unreliable or (ii) the test is fundamentally  
22 deficient in testing clinical competency.

23 In determining professional capacity under this Section,  
24 any individual who has not been actively engaged in the  
25 practice of dentistry, has not been a dental student, or has  
26 not been engaged in a formal program of dental education during

1 the 5 years immediately preceding the filing of an application  
2 may be required to complete such additional testing, training,  
3 or remedial education as the Board may deem necessary in order  
4 to establish the applicant's present capacity to practice  
5 dentistry with reasonable judgment, skill, and safety.

6 (Source: P.A. 96-14, eff. 6-19-09; revised 11-3-09.)

7 Section 425. The Medical Practice Act of 1987 is amended by  
8 changing Section 22 as follows:

9 (225 ILCS 60/22) (from Ch. 111, par. 4400-22)

10 (Section scheduled to be repealed on December 31, 2010)

11 Sec. 22. Disciplinary action.

12 (A) The Department may revoke, suspend, place on  
13 probationary status, refuse to renew, or take any other  
14 disciplinary action as the Department may deem proper with  
15 regard to the license or visiting professor permit of any  
16 person issued under this Act to practice medicine, or to treat  
17 human ailments without the use of drugs and without operative  
18 surgery upon any of the following grounds:

19 (1) Performance of an elective abortion in any place,  
20 locale, facility, or institution other than:

21 (a) a facility licensed pursuant to the Ambulatory  
22 Surgical Treatment Center Act;

23 (b) an institution licensed under the Hospital  
24 Licensing Act; ~~or~~

1 (c) an ambulatory surgical treatment center or  
2 hospitalization or care facility maintained by the  
3 State or any agency thereof, where such department or  
4 agency has authority under law to establish and enforce  
5 standards for the ambulatory surgical treatment  
6 centers, hospitalization, or care facilities under its  
7 management and control; ~~or~~

8 (d) ambulatory surgical treatment centers,  
9 hospitalization or care facilities maintained by the  
10 Federal Government; or

11 (e) ambulatory surgical treatment centers,  
12 hospitalization or care facilities maintained by any  
13 university or college established under the laws of  
14 this State and supported principally by public funds  
15 raised by taxation.

16 (2) Performance of an abortion procedure in a wilful  
17 and wanton manner on a woman who was not pregnant at the  
18 time the abortion procedure was performed.

19 (3) The conviction of a felony in this or any other  
20 jurisdiction, except as otherwise provided in subsection B  
21 of this Section, whether or not related to practice under  
22 this Act, or the entry of a guilty or nolo contendere plea  
23 to a felony charge.

24 (4) Gross negligence in practice under this Act.

25 (5) Engaging in dishonorable, unethical or  
26 unprofessional conduct of a character likely to deceive,

1 defraud or harm the public.

2 (6) Obtaining any fee by fraud, deceit, or  
3 misrepresentation.

4 (7) Habitual or excessive use or abuse of drugs defined  
5 in law as controlled substances, of alcohol, or of any  
6 other substances which results in the inability to practice  
7 with reasonable judgment, skill or safety.

8 (8) Practicing under a false or, except as provided by  
9 law, an assumed name.

10 (9) Fraud or misrepresentation in applying for, or  
11 procuring, a license under this Act or in connection with  
12 applying for renewal of a license under this Act.

13 (10) Making a false or misleading statement regarding  
14 their skill or the efficacy or value of the medicine,  
15 treatment, or remedy prescribed by them at their direction  
16 in the treatment of any disease or other condition of the  
17 body or mind.

18 (11) Allowing another person or organization to use  
19 their license, procured under this Act, to practice.

20 (12) Disciplinary action of another state or  
21 jurisdiction against a license or other authorization to  
22 practice as a medical doctor, doctor of osteopathy, doctor  
23 of osteopathic medicine or doctor of chiropractic, a  
24 certified copy of the record of the action taken by the  
25 other state or jurisdiction being prima facie evidence  
26 thereof.

1           (13) Violation of any provision of this Act or of the  
2 Medical Practice Act prior to the repeal of that Act, or  
3 violation of the rules, or a final administrative action of  
4 the Secretary, after consideration of the recommendation  
5 of the Disciplinary Board.

6           (14) Violation of the prohibition against fee  
7 splitting in Section 22.2 of this Act.

8           (15) A finding by the Medical Disciplinary Board that  
9 the registrant after having his or her license placed on  
10 probationary status or subjected to conditions or  
11 restrictions violated the terms of the probation or failed  
12 to comply with such terms or conditions.

13           (16) Abandonment of a patient.

14           (17) Prescribing, selling, administering,  
15 distributing, giving or self-administering any drug  
16 classified as a controlled substance (designated product)  
17 or narcotic for other than medically accepted therapeutic  
18 purposes.

19           (18) Promotion of the sale of drugs, devices,  
20 appliances or goods provided for a patient in such manner  
21 as to exploit the patient for financial gain of the  
22 physician.

23           (19) Offering, undertaking or agreeing to cure or treat  
24 disease by a secret method, procedure, treatment or  
25 medicine, or the treating, operating or prescribing for any  
26 human condition by a method, means or procedure which the

1 licensee refuses to divulge upon demand of the Department.

2 (20) Immoral conduct in the commission of any act  
3 including, but not limited to, commission of an act of  
4 sexual misconduct related to the licensee's practice.

5 (21) Wilfully making or filing false records or reports  
6 in his or her practice as a physician, including, but not  
7 limited to, false records to support claims against the  
8 medical assistance program of the Department of Healthcare  
9 and Family Services (formerly Department of Public Aid)  
10 under the Illinois Public Aid Code.

11 (22) Wilful omission to file or record, or wilfully  
12 impeding the filing or recording, or inducing another  
13 person to omit to file or record, medical reports as  
14 required by law, or wilfully failing to report an instance  
15 of suspected abuse or neglect as required by law.

16 (23) Being named as a perpetrator in an indicated  
17 report by the Department of Children and Family Services  
18 under the Abused and Neglected Child Reporting Act, and  
19 upon proof by clear and convincing evidence that the  
20 licensee has caused a child to be an abused child or  
21 neglected child as defined in the Abused and Neglected  
22 Child Reporting Act.

23 (24) Solicitation of professional patronage by any  
24 corporation, agents or persons, or profiting from those  
25 representing themselves to be agents of the licensee.

26 (25) Gross and wilful and continued overcharging for

1 professional services, including filing false statements  
2 for collection of fees for which services are not rendered,  
3 including, but not limited to, filing such false statements  
4 for collection of monies for services not rendered from the  
5 medical assistance program of the Department of Healthcare  
6 and Family Services (formerly Department of Public Aid)  
7 under the Illinois Public Aid Code.

8 (26) A pattern of practice or other behavior which  
9 demonstrates incapacity or incompetence to practice under  
10 this Act.

11 (27) Mental illness or disability which results in the  
12 inability to practice under this Act with reasonable  
13 judgment, skill or safety.

14 (28) Physical illness, including, but not limited to,  
15 deterioration through the aging process, or loss of motor  
16 skill which results in a physician's inability to practice  
17 under this Act with reasonable judgment, skill or safety.

18 (29) Cheating on or attempt to subvert the licensing  
19 examinations administered under this Act.

20 (30) Wilfully or negligently violating the  
21 confidentiality between physician and patient except as  
22 required by law.

23 (31) The use of any false, fraudulent, or deceptive  
24 statement in any document connected with practice under  
25 this Act.

26 (32) Aiding and abetting an individual not licensed

1 under this Act in the practice of a profession licensed  
2 under this Act.

3 (33) Violating state or federal laws or regulations  
4 relating to controlled substances, legend drugs, or  
5 ephedra, as defined in the Ephedra Prohibition Act.

6 (34) Failure to report to the Department any adverse  
7 final action taken against them by another licensing  
8 jurisdiction (any other state or any territory of the  
9 United States or any foreign state or country), by any peer  
10 review body, by any health care institution, by any  
11 professional society or association related to practice  
12 under this Act, by any governmental agency, by any law  
13 enforcement agency, or by any court for acts or conduct  
14 similar to acts or conduct which would constitute grounds  
15 for action as defined in this Section.

16 (35) Failure to report to the Department surrender of a  
17 license or authorization to practice as a medical doctor, a  
18 doctor of osteopathy, a doctor of osteopathic medicine, or  
19 doctor of chiropractic in another state or jurisdiction, or  
20 surrender of membership on any medical staff or in any  
21 medical or professional association or society, while  
22 under disciplinary investigation by any of those  
23 authorities or bodies, for acts or conduct similar to acts  
24 or conduct which would constitute grounds for action as  
25 defined in this Section.

26 (36) Failure to report to the Department any adverse

1 judgment, settlement, or award arising from a liability  
2 claim related to acts or conduct similar to acts or conduct  
3 which would constitute grounds for action as defined in  
4 this Section.

5 (37) Failure to provide copies of medical records as  
6 required by law.

7 (38) Failure to furnish the Department, its  
8 investigators or representatives, relevant information,  
9 legally requested by the Department after consultation  
10 with the Chief Medical Coordinator or the Deputy Medical  
11 Coordinator.

12 (39) Violating the Health Care Worker Self-Referral  
13 Act.

14 (40) Willful failure to provide notice when notice is  
15 required under the Parental Notice of Abortion Act of 1995.

16 (41) Failure to establish and maintain records of  
17 patient care and treatment as required by this law.

18 (42) Entering into an excessive number of written  
19 collaborative agreements with licensed advanced practice  
20 nurses resulting in an inability to adequately  
21 collaborate.

22 (43) Repeated failure to adequately collaborate with a  
23 licensed advanced practice nurse.

24 Except for actions involving the ground numbered (26), all  
25 proceedings to suspend, revoke, place on probationary status,  
26 or take any other disciplinary action as the Department may

1 deem proper, with regard to a license on any of the foregoing  
2 grounds, must be commenced within 5 years next after receipt by  
3 the Department of a complaint alleging the commission of or  
4 notice of the conviction order for any of the acts described  
5 herein. Except for the grounds numbered (8), (9), (26), and  
6 (29), no action shall be commenced more than 10 years after the  
7 date of the incident or act alleged to have violated this  
8 Section. For actions involving the ground numbered (26), a  
9 pattern of practice or other behavior includes all incidents  
10 alleged to be part of the pattern of practice or other behavior  
11 that occurred or a report pursuant to Section 23 of this Act  
12 received within the 10-year period preceding the filing of the  
13 complaint. In the event of the settlement of any claim or cause  
14 of action in favor of the claimant or the reduction to final  
15 judgment of any civil action in favor of the plaintiff, such  
16 claim, cause of action or civil action being grounded on the  
17 allegation that a person licensed under this Act was negligent  
18 in providing care, the Department shall have an additional  
19 period of 2 years from the date of notification to the  
20 Department under Section 23 of this Act of such settlement or  
21 final judgment in which to investigate and commence formal  
22 disciplinary proceedings under Section 36 of this Act, except  
23 as otherwise provided by law. The time during which the holder  
24 of the license was outside the State of Illinois shall not be  
25 included within any period of time limiting the commencement of  
26 disciplinary action by the Department.

1           The entry of an order or judgment by any circuit court  
2 establishing that any person holding a license under this Act  
3 is a person in need of mental treatment operates as a  
4 suspension of that license. That person may resume their  
5 practice only upon the entry of a Departmental order based upon  
6 a finding by the Medical Disciplinary Board that they have been  
7 determined to be recovered from mental illness by the court and  
8 upon the Disciplinary Board's recommendation that they be  
9 permitted to resume their practice.

10           The Department may refuse to issue or take disciplinary  
11 action concerning the license of any person who fails to file a  
12 return, or to pay the tax, penalty or interest shown in a filed  
13 return, or to pay any final assessment of tax, penalty or  
14 interest, as required by any tax Act administered by the  
15 Illinois Department of Revenue, until such time as the  
16 requirements of any such tax Act are satisfied as determined by  
17 the Illinois Department of Revenue.

18           The Department, upon the recommendation of the  
19 Disciplinary Board, shall adopt rules which set forth standards  
20 to be used in determining:

21           (a) when a person will be deemed sufficiently  
22 rehabilitated to warrant the public trust;

23           (b) what constitutes dishonorable, unethical or  
24 unprofessional conduct of a character likely to deceive,  
25 defraud, or harm the public;

26           (c) what constitutes immoral conduct in the commission

1 of any act, including, but not limited to, commission of an  
2 act of sexual misconduct related to the licensee's  
3 practice; and

4 (d) what constitutes gross negligence in the practice  
5 of medicine.

6 However, no such rule shall be admissible into evidence in  
7 any civil action except for review of a licensing or other  
8 disciplinary action under this Act.

9 In enforcing this Section, the Medical Disciplinary Board,  
10 upon a showing of a possible violation, may compel any  
11 individual licensed to practice under this Act, or who has  
12 applied for licensure or a permit pursuant to this Act, to  
13 submit to a mental or physical examination, or both, as  
14 required by and at the expense of the Department. The examining  
15 physician or physicians shall be those specifically designated  
16 by the Disciplinary Board. The Medical Disciplinary Board or  
17 the Department may order the examining physician to present  
18 testimony concerning this mental or physical examination of the  
19 licensee or applicant. No information shall be excluded by  
20 reason of any common law or statutory privilege relating to  
21 communication between the licensee or applicant and the  
22 examining physician. The individual to be examined may have, at  
23 his or her own expense, another physician of his or her choice  
24 present during all aspects of the examination. Failure of any  
25 individual to submit to mental or physical examination, when  
26 directed, shall be grounds for suspension of his or her license

1 until such time as the individual submits to the examination if  
2 the Disciplinary Board finds, after notice and hearing, that  
3 the refusal to submit to the examination was without reasonable  
4 cause. If the Disciplinary Board finds a physician unable to  
5 practice because of the reasons set forth in this Section, the  
6 Disciplinary Board shall require such physician to submit to  
7 care, counseling, or treatment by physicians approved or  
8 designated by the Disciplinary Board, as a condition for  
9 continued, reinstated, or renewed licensure to practice. Any  
10 physician, whose license was granted pursuant to Sections 9,  
11 17, or 19 of this Act, or, continued, reinstated, renewed,  
12 disciplined or supervised, subject to such terms, conditions or  
13 restrictions who shall fail to comply with such terms,  
14 conditions or restrictions, or to complete a required program  
15 of care, counseling, or treatment, as determined by the Chief  
16 Medical Coordinator or Deputy Medical Coordinators, shall be  
17 referred to the Secretary for a determination as to whether the  
18 licensee shall have their license suspended immediately,  
19 pending a hearing by the Disciplinary Board. In instances in  
20 which the Secretary immediately suspends a license under this  
21 Section, a hearing upon such person's license must be convened  
22 by the Disciplinary Board within 15 days after such suspension  
23 and completed without appreciable delay. The Disciplinary  
24 Board shall have the authority to review the subject  
25 physician's record of treatment and counseling regarding the  
26 impairment, to the extent permitted by applicable federal

1 statutes and regulations safeguarding the confidentiality of  
2 medical records.

3 An individual licensed under this Act, affected under this  
4 Section, shall be afforded an opportunity to demonstrate to the  
5 Disciplinary Board that they can resume practice in compliance  
6 with acceptable and prevailing standards under the provisions  
7 of their license.

8 The Department may promulgate rules for the imposition of  
9 fines in disciplinary cases, not to exceed \$10,000 for each  
10 violation of this Act. Fines may be imposed in conjunction with  
11 other forms of disciplinary action, but shall not be the  
12 exclusive disposition of any disciplinary action arising out of  
13 conduct resulting in death or injury to a patient. Any funds  
14 collected from such fines shall be deposited in the Medical  
15 Disciplinary Fund.

16 (B) The Department shall revoke the license or visiting  
17 permit of any person issued under this Act to practice medicine  
18 or to treat human ailments without the use of drugs and without  
19 operative surgery, who has been convicted a second time of  
20 committing any felony under the Illinois Controlled Substances  
21 Act or the Methamphetamine Control and Community Protection  
22 Act, or who has been convicted a second time of committing a  
23 Class 1 felony under Sections 8A-3 and 8A-6 of the Illinois  
24 Public Aid Code. A person whose license or visiting permit is  
25 revoked under this subsection B of Section 22 of this Act shall  
26 be prohibited from practicing medicine or treating human

1 ailments without the use of drugs and without operative  
2 surgery.

3 (C) The Medical Disciplinary Board shall recommend to the  
4 Department civil penalties and any other appropriate  
5 discipline in disciplinary cases when the Board finds that a  
6 physician willfully performed an abortion with actual  
7 knowledge that the person upon whom the abortion has been  
8 performed is a minor or an incompetent person without notice as  
9 required under the Parental Notice of Abortion Act of 1995.  
10 Upon the Board's recommendation, the Department shall impose,  
11 for the first violation, a civil penalty of \$1,000 and for a  
12 second or subsequent violation, a civil penalty of \$5,000.

13 (Source: P.A. 95-331, eff. 8-21-07; 96-608, eff. 8-24-09;  
14 revised 11-3-09.)

15 Section 430. The Nurse Practice Act is amended by changing  
16 Section 50-15 as follows:

17 (225 ILCS 65/50-15) (was 225 ILCS 65/5-15)

18 (Section scheduled to be repealed on January 1, 2018)

19 Sec. 50-15. Policy; application of Act.

20 (a) For the protection of life and the promotion of health,  
21 and the prevention of illness and communicable diseases, any  
22 person practicing or offering to practice advanced,  
23 professional, or practical nursing in Illinois shall submit  
24 evidence that he or she is qualified to practice, and shall be

1 licensed as provided under this Act. No person shall practice  
2 or offer to practice advanced, professional, or practical  
3 nursing in Illinois or use any title, sign, card or device to  
4 indicate that such a person is practicing professional or  
5 practical nursing unless such person has been licensed under  
6 the provisions of this Act.

7 (b) This Act does not prohibit the following:

8 (1) The practice of nursing in Federal employment in  
9 the discharge of the employee's duties by a person who is  
10 employed by the United States government or any bureau,  
11 division or agency thereof and is a legally qualified and  
12 licensed nurse of another state or territory and not in  
13 conflict with Sections 50-50, 55-10, 60-10, and 70-5 of  
14 this Act.

15 (2) Nursing that is included in the program of study by  
16 students enrolled in programs of nursing or in current  
17 nurse practice update courses approved by the Department.

18 (3) The furnishing of nursing assistance in an  
19 emergency.

20 (4) The practice of nursing by a nurse who holds an  
21 active license in another state when providing services to  
22 patients in Illinois during a bonafide emergency or in  
23 immediate preparation for or during interstate transit.

24 (5) The incidental care of the sick by members of the  
25 family, domestic servants or housekeepers, or care of the  
26 sick where treatment is by prayer or spiritual means.

1           (6) Persons from being employed as unlicensed  
2 assistive personnel in private homes, long term care  
3 facilities, nurseries, hospitals or other institutions.

4           (7) The practice of practical nursing by one who is a  
5 licensed practical nurse under the laws of another U.S.  
6 jurisdiction and has applied in writing to the Department,  
7 in form and substance satisfactory to the Department, for a  
8 license as a licensed practical nurse and who is qualified  
9 to receive such license under this Act, until (i) the  
10 expiration of 6 months after the filing of such written  
11 application, (ii) the withdrawal of such application, or  
12 (iii) the denial of such application by the Department.

13           (8) The practice of advanced practice nursing by one  
14 who is an advanced practice nurse under the laws of another  
15 state, territory of the United States, or country and has  
16 applied in writing to the Department, in form and substance  
17 satisfactory to the Department, for a license as an  
18 advanced practice nurse and who is qualified to receive  
19 such license under this Act, until (i) the expiration of 6  
20 months after the filing of such written application, (ii)  
21 the withdrawal of such application, or (iii) the denial of  
22 such application by the Department.

23           (9) The practice of professional nursing by one who is  
24 a registered professional nurse under the laws of another  
25 state, territory of the United States or country and has  
26 applied in writing to the Department, in form and substance

1           satisfactory to the Department, for a license as a  
2           registered professional nurse and who is qualified to  
3           receive such license under Section 55-10, until (1) the  
4           expiration of 6 months after the filing of such written  
5           application, (2) the withdrawal of such application, or (3)  
6           the denial of such application by the Department.

7           (10) The practice of professional nursing that is  
8           included in a program of study by one who is a registered  
9           professional nurse under the laws of another state or  
10          territory of the United States or foreign country,  
11          territory or province and who is enrolled in a graduate  
12          nursing education program or a program for the completion  
13          of a baccalaureate nursing degree in this State, which  
14          includes clinical supervision by faculty as determined by  
15          the educational institution offering the program and the  
16          health care organization where the practice of nursing  
17          occurs.

18          (11) Any person licensed in this State under any other  
19          Act from engaging in the practice for which she or he is  
20          licensed.

21          (12) Delegation to authorized direct care staff  
22          trained under Section 15.4 of the Mental Health and  
23          Developmental Disabilities Administrative Act consistent  
24          with the policies of the Department.

25          (13) The practice, services, or activities of persons  
26          practicing the specified occupations set forth in

1 subsection (a) of, and pursuant to a licensing exemption  
2 granted in subsection (b) or (d) of, Section 2105-350 of  
3 the Department of Professional Regulation Law of the Civil  
4 Administrative Code of Illinois, but only for so long as  
5 the 2016 Olympic and Paralympic Games Professional  
6 Licensure Exemption Law is operable.

7 (14) ~~(13)~~ County correctional personnel from  
8 delivering prepackaged medication for self-administration  
9 to an individual detainee in a correctional facility.

10 Nothing in this Act shall be construed to limit the  
11 delegation of tasks or duties by a physician, dentist, or  
12 podiatrist to a licensed practical nurse, a registered  
13 professional nurse, or other persons.

14 (Source: P.A. 95-639, eff. 10-5-07; 95-876, eff. 8-21-08; 96-7,  
15 eff. 4-3-09; 96-516, eff. 8-14-09; revised 9-15-09.)

16 Section 435. The Illinois Optometric Practice Act of 1987  
17 is amended by changing Section 24 as follows:

18 (225 ILCS 80/24) (from Ch. 111, par. 3924)

19 (Section scheduled to be repealed on January 1, 2017)

20 Sec. 24. Grounds for disciplinary action.

21 (a) The Department may refuse to issue or to renew, or may  
22 revoke, suspend, place on probation, reprimand or take other  
23 disciplinary action as the Department may deem proper,  
24 including fines not to exceed \$10,000 for each violation, with

1 regard to any license for any one or combination of the  
2 following causes:

3 (1) Violations of this Act, or of the rules promulgated  
4 hereunder.

5 (2) Conviction of or entry of a plea of guilty to any  
6 crime under the laws of any U.S. jurisdiction thereof that  
7 is a felony or that is a misdemeanor of which an essential  
8 element is dishonesty, or any crime that is directly  
9 related to the practice of the profession.

10 (3) Making any misrepresentation for the purpose of  
11 obtaining a license.

12 (4) Professional incompetence or gross negligence in  
13 the practice of optometry.

14 (5) Gross malpractice, prima facie evidence of which  
15 may be a conviction or judgment of malpractice in any court  
16 of competent jurisdiction.

17 (6) Aiding or assisting another person in violating any  
18 provision of this Act or rules.

19 (7) Failing, within 60 days, to provide information in  
20 response to a written request made by the Department that  
21 has been sent by certified or registered mail to the  
22 licensee's last known address.

23 (8) Engaging in dishonorable, unethical, or  
24 unprofessional conduct of a character likely to deceive,  
25 defraud, or harm the public.

26 (9) Habitual or excessive use or addiction to alcohol,

1           narcotics, stimulants or any other chemical agent or drug  
2           that results in the inability to practice with reasonable  
3           judgment, skill, or safety.

4           (10) Discipline by another U.S. jurisdiction or  
5           foreign nation, if at least one of the grounds for the  
6           discipline is the same or substantially equivalent to those  
7           set forth herein.

8           (11) Violation of the prohibition against fee  
9           splitting in Section 24.2 of this Act.

10          (12) A finding by the Department that the licensee,  
11          after having his or her license placed on probationary  
12          status has violated the terms of probation.

13          (13) Abandonment of a patient.

14          (14) Willfully making or filing false records or  
15          reports in his or her practice, including but not limited  
16          to false records filed with State agencies or departments.

17          (15) Willfully failing to report an instance of  
18          suspected abuse or neglect as required by law.

19          (16) Physical illness, including but not limited to,  
20          deterioration through the aging process, or loss of motor  
21          skill, mental illness, or disability that results in the  
22          inability to practice the profession with reasonable  
23          judgment, skill, or safety.

24          (17) Solicitation of professional services other than  
25          permitted advertising.

26          (18) Failure to provide a patient with a copy of his or

1 her record or prescription in accordance with federal law.

2 (19) Conviction by any court of competent  
3 jurisdiction, either within or without this State, of any  
4 violation of any law governing the practice of optometry,  
5 conviction in this or another State of any crime that is a  
6 felony under the laws of this State or conviction of a  
7 felony in a federal court, if the Department determines,  
8 after investigation, that such person has not been  
9 sufficiently rehabilitated to warrant the public trust.

10 (20) A finding that licensure has been applied for or  
11 obtained by fraudulent means.

12 (21) Continued practice by a person knowingly having an  
13 infectious or contagious disease.

14 (22) Being named as a perpetrator in an indicated  
15 report by the Department of Children and Family Services  
16 under the Abused and Neglected Child Reporting Act, and  
17 upon proof by clear and convincing evidence that the  
18 licensee has caused a child to be an abused child or a  
19 neglected child as defined in the Abused and Neglected  
20 Child Reporting Act.

21 (23) Practicing or attempting to practice under a name  
22 other than the full name as shown on his or her license.

23 (24) Immoral conduct in the commission of any act, such  
24 as sexual abuse, sexual misconduct or sexual exploitation,  
25 related to the licensee's practice.

26 (25) Maintaining a professional relationship with any

1 person, firm, or corporation when the optometrist knows, or  
2 should know, that such person, firm, or corporation is  
3 violating this Act.

4 (26) Promotion of the sale of drugs, devices,  
5 appliances or goods provided for a client or patient in  
6 such manner as to exploit the patient or client for  
7 financial gain of the licensee.

8 (27) Using the title "Doctor" or its abbreviation  
9 without further qualifying that title or abbreviation with  
10 the word "optometry" or "optometrist".

11 (28) Use by a licensed optometrist of the word  
12 "infirmary", "hospital", "school", "university", in  
13 English or any other language, in connection with the place  
14 where optometry may be practiced or demonstrated.

15 (29) Continuance of an optometrist in the employ of any  
16 person, firm or corporation, or as an assistant to any  
17 optometrist or optometrists, directly or indirectly, after  
18 his or her employer or superior has been found guilty of  
19 violating or has been enjoined from violating the laws of  
20 the State of Illinois relating to the practice of  
21 optometry, when the employer or superior persists in that  
22 violation.

23 (30) The performance of optometric service in  
24 conjunction with a scheme or plan with another person, firm  
25 or corporation known to be advertising in a manner contrary  
26 to this Act or otherwise violating the laws of the State of

1 Illinois concerning the practice of optometry.

2 (31) Failure to provide satisfactory proof of having  
3 participated in approved continuing education programs as  
4 determined by the Board and approved by the Secretary.  
5 Exceptions for extreme hardships are to be defined by the  
6 rules of the Department.

7 (32) Willfully making or filing false records or  
8 reports in the practice of optometry, including, but not  
9 limited to false records to support claims against the  
10 medical assistance program of the Department of Healthcare  
11 and Family Services (formerly Department of Public Aid)  
12 under the Illinois Public Aid Code.

13 (33) Gross and willful overcharging for professional  
14 services including filing false statements for collection  
15 of fees for which services are not rendered, including, but  
16 not limited to filing false statements for collection of  
17 monies for services not rendered from the medical  
18 assistance program of the Department of Healthcare and  
19 Family Services (formerly Department of Public Aid) under  
20 the Illinois Public Aid Code.

21 (34) In the absence of good reasons to the contrary,  
22 failure to perform a minimum eye examination as required by  
23 the rules of the Department.

24 (35) Violation of the Health Care Worker Self-Referral  
25 Act.

26 The Department may refuse to issue or may suspend the

1 license of any person who fails to file a return, or to pay the  
2 tax, penalty or interest shown in a filed return, or to pay any  
3 final assessment of the tax, penalty or interest, as required  
4 by any tax Act administered by the Illinois Department of  
5 Revenue, until such time as the requirements of any such tax  
6 Act are satisfied.

7 (a-5) In enforcing this Section, the Board upon a showing  
8 of a possible violation, may compel any individual licensed to  
9 practice under this Act, or who has applied for licensure or  
10 certification pursuant to this Act, to submit to a mental or  
11 physical examination, or both, as required by and at the  
12 expense of the Department. The examining physicians or clinical  
13 psychologists shall be those specifically designated by the  
14 Board. The Board or the Department may order the examining  
15 physician or clinical psychologist to present testimony  
16 concerning this mental or physical examination of the licensee  
17 or applicant. No information shall be excluded by reason of any  
18 common law or statutory privilege relating to communications  
19 between the licensee or applicant and the examining physician  
20 or clinical psychologist. Eye examinations may be provided by a  
21 licensed optometrist. The individual to be examined may have,  
22 at his or her own expense, another physician of his or her  
23 choice present during all aspects of the examination. Failure  
24 of any individual to submit to a mental or physical  
25 examination, when directed, shall be grounds for suspension of  
26 a license until such time as the individual submits to the

1 examination if the Board finds, after notice and hearing, that  
2 the refusal to submit to the examination was without reasonable  
3 cause.

4 If the Board finds an individual unable to practice because  
5 of the reasons set forth in this Section, the Board shall  
6 require such individual to submit to care, counseling, or  
7 treatment by physicians or clinical psychologists approved or  
8 designated by the Board, as a condition, term, or restriction  
9 for continued, reinstated, or renewed licensure to practice, or  
10 in lieu of care, counseling, or treatment, the Board may  
11 recommend to the Department to file a complaint to immediately  
12 suspend, revoke, or otherwise discipline the license of the  
13 individual, or the Board may recommend to the Department to  
14 file a complaint to suspend, revoke, or otherwise discipline  
15 the license of the individual. Any individual whose license was  
16 granted pursuant to this Act, or continued, reinstated,  
17 renewed, disciplined, or supervised, subject to such  
18 conditions, terms, or restrictions, who shall fail to comply  
19 with such conditions, terms, or restrictions, shall be referred  
20 to the Secretary for a determination as to whether the  
21 individual shall have his or her license suspended immediately,  
22 pending a hearing by the Board.

23 (b) The determination by a circuit court that a licensee is  
24 subject to involuntary admission or judicial admission as  
25 provided in the Mental Health and Developmental Disabilities  
26 Code operates as an automatic suspension. The suspension will

1 end only upon a finding by a court that the patient is no  
2 longer subject to involuntary admission or judicial admission  
3 and issues an order so finding and discharging the patient; and  
4 upon the recommendation of the Board to the Secretary that the  
5 licensee be allowed to resume his or her practice.

6 (Source: P.A. 96-378, eff. 1-1-10; 96-608, eff. 8-24-09;  
7 revised 10-6-09.)

8 Section 440. The Orthotics, Prosthetics, and Pedorthics  
9 Practice Act is amended by changing Section 15 as follows:

10 (225 ILCS 84/15)

11 (Section scheduled to be repealed on January 1, 2020)

12 Sec. 15. Exceptions. This Act shall not be construed to  
13 prohibit:

14 (1) a physician licensed in this State from engaging in the  
15 practice for which he or she is licensed;

16 (2) a person licensed in this State under any other Act  
17 from engaging in the practice for which he or she is licensed;

18 (3) the practice of orthotics, prosthetics, or pedorthics  
19 by a person who is employed by the federal government or any  
20 bureau, division, or agency of the federal government while in  
21 the discharge of the employee's official duties;

22 (4) the practice of orthotics, prosthetics, or pedorthics  
23 by (i) a student enrolled in a school of orthotics,  
24 prosthetics, or pedorthics, (ii) a resident continuing his or

1 her clinical education in a residency accredited by the  
2 National Commission on Orthotic and Prosthetic Education, or  
3 (iii) a student in a qualified work experience program or  
4 internship in pedorthics;

5 (5) the practice of orthotics, prosthetics, or pedorthics  
6 by one who is an orthotist, prosthetist, or pedorthist licensed  
7 under the laws of another state or territory of the United  
8 States or another country and has applied in writing to the  
9 Department, in a form and substance satisfactory to the  
10 Department, for a license as orthotist, prosthetist, or  
11 pedorthist and who is qualified to receive the license under  
12 Section 40 until (i) the expiration of 6 months after the  
13 filing of the written application, (ii) the withdrawal of the  
14 application, or (iii) the denial of the application by the  
15 Department;

16 (6) a person licensed by this State as a physical  
17 therapist, occupational therapist, or advanced practice nurse  
18 from engaging in his or her profession; or

19 (7) a physician licensed under the Podiatric Medical  
20 Practice Act of 1987 ~~1997~~ from engaging in his or her  
21 profession.

22 (Source: P.A. 96-682, eff. 8-25-09; revised 11-3-09.)

23 Section 445. The Pharmacy Practice Act is amended by  
24 changing Sections 3 and 15 as follows:

1 (225 ILCS 85/3)

2 (Text of Section before amendment by P.A. 96-339)

3 (Section scheduled to be repealed on January 1, 2018)

4 Sec. 3. Definitions. For the purpose of this Act, except  
5 where otherwise limited therein:

6 (a) "Pharmacy" or "drugstore" means and includes every  
7 store, shop, pharmacy department, or other place where  
8 pharmacist care is provided by a pharmacist (1) where drugs,  
9 medicines, or poisons are dispensed, sold or offered for sale  
10 at retail, or displayed for sale at retail; or (2) where  
11 prescriptions of physicians, dentists, advanced practice  
12 nurses, physician assistants, veterinarians, podiatrists, or  
13 optometrists, within the limits of their licenses, are  
14 compounded, filled, or dispensed; or (3) which has upon it or  
15 displayed within it, or affixed to or used in connection with  
16 it, a sign bearing the word or words "Pharmacist", "Druggist",  
17 "Pharmacy", "Pharmaceutical Care", "Apothecary", "Drugstore",  
18 "Medicine Store", "Prescriptions", "Drugs", "Dispensary",  
19 "Medicines", or any word or words of similar or like import,  
20 either in the English language or any other language; or (4)  
21 where the characteristic prescription sign (Rx) or similar  
22 design is exhibited; or (5) any store, or shop, or other place  
23 with respect to which any of the above words, objects, signs or  
24 designs are used in any advertisement.

25 (b) "Drugs" means and includes (1) articles recognized in  
26 the official United States Pharmacopoeia/National Formulary

1 (USP/NF), or any supplement thereto and being intended for and  
2 having for their main use the diagnosis, cure, mitigation,  
3 treatment or prevention of disease in man or other animals, as  
4 approved by the United States Food and Drug Administration, but  
5 does not include devices or their components, parts, or  
6 accessories; and (2) all other articles intended for and having  
7 for their main use the diagnosis, cure, mitigation, treatment  
8 or prevention of disease in man or other animals, as approved  
9 by the United States Food and Drug Administration, but does not  
10 include devices or their components, parts, or accessories; and  
11 (3) articles (other than food) having for their main use and  
12 intended to affect the structure or any function of the body of  
13 man or other animals; and (4) articles having for their main  
14 use and intended for use as a component or any articles  
15 specified in clause (1), (2) or (3); but does not include  
16 devices or their components, parts or accessories.

17 (c) "Medicines" means and includes all drugs intended for  
18 human or veterinary use approved by the United States Food and  
19 Drug Administration.

20 (d) "Practice of pharmacy" means (1) the interpretation and  
21 the provision of assistance in the monitoring, evaluation, and  
22 implementation of prescription drug orders; (2) the dispensing  
23 of prescription drug orders; (3) participation in drug and  
24 device selection; (4) drug administration limited to the  
25 administration of oral, topical, injectable, and inhalation as  
26 follows: in the context of patient education on the proper use

1 or delivery of medications; vaccination of patients 14 years of  
2 age and older pursuant to a valid prescription or standing  
3 order, by a physician licensed to practice medicine in all its  
4 branches, upon completion of appropriate training, including  
5 how to address contraindications and adverse reactions set  
6 forth by rule, with notification to the patient's physician and  
7 appropriate record retention, or pursuant to hospital pharmacy  
8 and therapeutics committee policies and procedures; (5) drug  
9 regimen review; (6) drug or drug-related research; (7) the  
10 provision of patient counseling; (8) the practice of  
11 telepharmacy; (9) the provision of those acts or services  
12 necessary to provide pharmacist care; (10) medication therapy  
13 management; and (11) the responsibility for compounding and  
14 labeling of drugs and devices (except labeling by a  
15 manufacturer, repackager, or distributor of non-prescription  
16 drugs and commercially packaged legend drugs and devices),  
17 proper and safe storage of drugs and devices, and maintenance  
18 of required records. A pharmacist who performs any of the acts  
19 defined as the practice of pharmacy in this State must be  
20 actively licensed as a pharmacist under this Act.

21 (e) "Prescription" means and includes any written, oral,  
22 facsimile, or electronically transmitted order for drugs or  
23 medical devices, issued by a physician licensed to practice  
24 medicine in all its branches, dentist, veterinarian, or  
25 podiatrist, or optometrist, within the limits of their  
26 licenses, by a physician assistant in accordance with

1 subsection (f) of Section 4, or by an advanced practice nurse  
2 in accordance with subsection (g) of Section 4, containing the  
3 following: (1) name of the patient; (2) date when prescription  
4 was issued; (3) name and strength of drug or description of the  
5 medical device prescribed; and (4) quantity, (5) directions for  
6 use, (6) prescriber's name, address and signature, and (7) DEA  
7 number where required, for controlled substances. DEA numbers  
8 shall not be required on inpatient drug orders.

9 (f) "Person" means and includes a natural person,  
10 copartnership, association, corporation, government entity, or  
11 any other legal entity.

12 (g) "Department" means the Department of Financial and  
13 Professional Regulation.

14 (h) "Board of Pharmacy" or "Board" means the State Board of  
15 Pharmacy of the Department of Financial and Professional  
16 Regulation.

17 (i) "Secretary" means the Secretary of Financial and  
18 Professional Regulation.

19 (j) "Drug product selection" means the interchange for a  
20 prescribed pharmaceutical product in accordance with Section  
21 25 of this Act and Section 3.14 of the Illinois Food, Drug and  
22 Cosmetic Act.

23 (k) "Inpatient drug order" means an order issued by an  
24 authorized prescriber for a resident or patient of a facility  
25 licensed under the Nursing Home Care Act or the Hospital  
26 Licensing Act, or "An Act in relation to the founding and

1 operation of the University of Illinois Hospital and the  
2 conduct of University of Illinois health care programs",  
3 approved July 3, 1931, as amended, or a facility which is  
4 operated by the Department of Human Services (as successor to  
5 the Department of Mental Health and Developmental  
6 Disabilities) or the Department of Corrections.

7 (k-5) "Pharmacist" means an individual health care  
8 professional and provider currently licensed by this State to  
9 engage in the practice of pharmacy.

10 (l) "Pharmacist in charge" means the licensed pharmacist  
11 whose name appears on a pharmacy license and who is responsible  
12 for all aspects of the operation related to the practice of  
13 pharmacy.

14 (m) "Dispense" or "dispensing" means the interpretation,  
15 evaluation, and implementation of a prescription drug order,  
16 including the preparation and delivery of a drug or device to a  
17 patient or patient's agent in a suitable container  
18 appropriately labeled for subsequent administration to or use  
19 by a patient in accordance with applicable State and federal  
20 laws and regulations. "Dispense" or "dispensing" does not mean  
21 the physical delivery to a patient or a patient's  
22 representative in a home or institution by a designee of a  
23 pharmacist or by common carrier. "Dispense" or "dispensing"  
24 also does not mean the physical delivery of a drug or medical  
25 device to a patient or patient's representative by a  
26 pharmacist's designee within a pharmacy or drugstore while the

1 pharmacist is on duty and the pharmacy is open.

2 (n) "Nonresident pharmacy" means a pharmacy that is located  
3 in a state, commonwealth, or territory of the United States,  
4 other than Illinois, that delivers, dispenses, or distributes,  
5 through the United States Postal Service, commercially  
6 acceptable parcel delivery service, or other common carrier, to  
7 Illinois residents, any substance which requires a  
8 prescription.

9 (o) "Compounding" means the preparation and mixing of  
10 components, excluding flavorings, (1) as the result of a  
11 prescriber's prescription drug order or initiative based on the  
12 prescriber-patient-pharmacist relationship in the course of  
13 professional practice or (2) for the purpose of, or incident  
14 to, research, teaching, or chemical analysis and not for sale  
15 or dispensing. "Compounding" includes the preparation of drugs  
16 or devices in anticipation of receiving prescription drug  
17 orders based on routine, regularly observed dispensing  
18 patterns. Commercially available products may be compounded  
19 for dispensing to individual patients only if all of the  
20 following conditions are met: (i) the commercial product is not  
21 reasonably available from normal distribution channels in a  
22 timely manner to meet the patient's needs and (ii) the  
23 prescribing practitioner has requested that the drug be  
24 compounded.

25 (p) (Blank).

26 (q) (Blank).

1 (r) "Patient counseling" means the communication between a  
2 pharmacist or a student pharmacist under the supervision of a  
3 pharmacist and a patient or the patient's representative about  
4 the patient's medication or device for the purpose of  
5 optimizing proper use of prescription medications or devices.  
6 "Patient counseling" may include without limitation (1)  
7 obtaining a medication history; (2) acquiring a patient's  
8 allergies and health conditions; (3) facilitation of the  
9 patient's understanding of the intended use of the medication;  
10 (4) proper directions for use; (5) significant potential  
11 adverse events; (6) potential food-drug interactions; and (7)  
12 the need to be compliant with the medication therapy. A  
13 pharmacy technician may only participate in the following  
14 aspects of patient counseling under the supervision of a  
15 pharmacist: (1) obtaining medication history; (2) providing  
16 the offer for counseling by a pharmacist or student pharmacist;  
17 and (3) acquiring a patient's allergies and health conditions.

18 (s) "Patient profiles" or "patient drug therapy record"  
19 means the obtaining, recording, and maintenance of patient  
20 prescription information, including prescriptions for  
21 controlled substances, and personal information.

22 (t) (Blank).

23 (u) "Medical device" means an instrument, apparatus,  
24 implement, machine, contrivance, implant, in vitro reagent, or  
25 other similar or related article, including any component part  
26 or accessory, required under federal law to bear the label

1 "Caution: Federal law requires dispensing by or on the order of  
2 a physician". A seller of goods and services who, only for the  
3 purpose of retail sales, compounds, sells, rents, or leases  
4 medical devices shall not, by reasons thereof, be required to  
5 be a licensed pharmacy.

6 (v) "Unique identifier" means an electronic signature,  
7 handwritten signature or initials, thumb print, or other  
8 acceptable biometric or electronic identification process as  
9 approved by the Department.

10 (w) "Current usual and customary retail price" means the  
11 price that a pharmacy charges to a non-third-party payor.

12 (x) "Automated pharmacy system" means a mechanical system  
13 located within the confines of the pharmacy or remote location  
14 that performs operations or activities, other than compounding  
15 or administration, relative to storage, packaging, dispensing,  
16 or distribution of medication, and which collects, controls,  
17 and maintains all transaction information.

18 (y) "Drug regimen review" means and includes the evaluation  
19 of prescription drug orders and patient records for (1) known  
20 allergies; (2) drug or potential therapy contraindications;  
21 (3) reasonable dose, duration of use, and route of  
22 administration, taking into consideration factors such as age,  
23 gender, and contraindications; (4) reasonable directions for  
24 use; (5) potential or actual adverse drug reactions; (6)  
25 drug-drug interactions; (7) drug-food interactions; (8)  
26 drug-disease contraindications; (9) therapeutic duplication;

1 (10) patient laboratory values when authorized and available;  
2 (11) proper utilization (including over or under utilization)  
3 and optimum therapeutic outcomes; and (12) abuse and misuse.

4 (z) "Electronic transmission prescription" means any  
5 prescription order for which a facsimile or electronic image of  
6 the order is electronically transmitted from a licensed  
7 prescriber to a pharmacy. "Electronic transmission  
8 prescription" includes both data and image prescriptions.

9 (aa) "Medication therapy management services" means a  
10 distinct service or group of services offered by licensed  
11 pharmacists, physicians licensed to practice medicine in all  
12 its branches, advanced practice nurses authorized in a written  
13 agreement with a physician licensed to practice medicine in all  
14 its branches, or physician assistants authorized in guidelines  
15 by a supervising physician that optimize therapeutic outcomes  
16 for individual patients through improved medication use. In a  
17 retail or other non-hospital pharmacy, medication therapy  
18 management services shall consist of the evaluation of  
19 prescription drug orders and patient medication records to  
20 resolve conflicts with the following:

21 (1) known allergies;

22 (2) drug or potential therapy contraindications;

23 (3) reasonable dose, duration of use, and route of  
24 administration, taking into consideration factors such as  
25 age, gender, and contraindications;

26 (4) reasonable directions for use;

- 1 (5) potential or actual adverse drug reactions;
- 2 (6) drug-drug interactions;
- 3 (7) drug-food interactions;
- 4 (8) drug-disease contraindications;
- 5 (9) identification of therapeutic duplication;
- 6 (10) patient laboratory values when authorized and
- 7 available;
- 8 (11) proper utilization (including over or under
- 9 utilization) and optimum therapeutic outcomes; and
- 10 (12) drug abuse and misuse.

11 "Medication therapy management services" includes the  
12 following:

- 13 (1) documenting the services delivered and
- 14 communicating the information provided to patients'
- 15 prescribers within an appropriate time frame, not to exceed
- 16 48 hours;
- 17 (2) providing patient counseling designed to enhance a
- 18 patient's understanding and the appropriate use of his or
- 19 her medications; and
- 20 (3) providing information, support services, and
- 21 resources designed to enhance a patient's adherence with
- 22 his or her prescribed therapeutic regimens.

23 "Medication therapy management services" may also include  
24 patient care functions authorized by a physician licensed to  
25 practice medicine in all its branches for his or her identified  
26 patient or groups of patients under specified conditions or

1 limitations in a standing order from the physician.

2 "Medication therapy management services" in a licensed  
3 hospital may also include the following:

4 (1) reviewing assessments of the patient's health  
5 status; and

6 (2) following protocols of a hospital pharmacy and  
7 therapeutics committee with respect to the fulfillment of  
8 medication orders.

9 (bb) "Pharmacist care" means the provision by a pharmacist  
10 of medication therapy management services, with or without the  
11 dispensing of drugs or devices, intended to achieve outcomes  
12 that improve patient health, quality of life, and comfort and  
13 enhance patient safety.

14 (cc) "Protected health information" means individually  
15 identifiable health information that, except as otherwise  
16 provided, is:

17 (1) transmitted by electronic media;

18 (2) maintained in any medium set forth in the  
19 definition of "electronic media" in the federal Health  
20 Insurance Portability and Accountability Act; or

21 (3) transmitted or maintained in any other form or  
22 medium.

23 "Protected health information" does not include individually  
24 identifiable health information found in:

25 (1) education records covered by the federal Family  
26 Educational Right and Privacy Act; or

1           (2) employment records held by a licensee in its role  
2           as an employer.

3           (dd) "Standing order" means a specific order for a patient  
4           or group of patients issued by a physician licensed to practice  
5           medicine in all its branches in Illinois.

6           (ee) "Address of record" means the address recorded by the  
7           Department in the applicant's or licensee's application file or  
8           license file, as maintained by the Department's licensure  
9           maintenance unit.

10          (ff) "Home pharmacy" means the location of a pharmacy's  
11          primary operations.

12          (Source: P.A. 95-689, eff. 10-29-07; 96-673, eff. 1-1-10.)

13           (Text of Section after amendment by P.A. 96-339)

14           (Section scheduled to be repealed on January 1, 2018)

15          Sec. 3. Definitions. For the purpose of this Act, except  
16          where otherwise limited therein:

17          (a) "Pharmacy" or "drugstore" means and includes every  
18          store, shop, pharmacy department, or other place where  
19          pharmacist care is provided by a pharmacist (1) where drugs,  
20          medicines, or poisons are dispensed, sold or offered for sale  
21          at retail, or displayed for sale at retail; or (2) where  
22          prescriptions of physicians, dentists, advanced practice  
23          nurses, physician assistants, veterinarians, podiatrists, or  
24          optometrists, within the limits of their licenses, are  
25          compounded, filled, or dispensed; or (3) which has upon it or

1 displayed within it, or affixed to or used in connection with  
2 it, a sign bearing the word or words "Pharmacist", "Druggist",  
3 "Pharmacy", "Pharmaceutical Care", "Apothecary", "Drugstore",  
4 "Medicine Store", "Prescriptions", "Drugs", "Dispensary",  
5 "Medicines", or any word or words of similar or like import,  
6 either in the English language or any other language; or (4)  
7 where the characteristic prescription sign (Rx) or similar  
8 design is exhibited; or (5) any store, or shop, or other place  
9 with respect to which any of the above words, objects, signs or  
10 designs are used in any advertisement.

11 (b) "Drugs" means and includes (1) articles recognized in  
12 the official United States Pharmacopoeia/National Formulary  
13 (USP/NF), or any supplement thereto and being intended for and  
14 having for their main use the diagnosis, cure, mitigation,  
15 treatment or prevention of disease in man or other animals, as  
16 approved by the United States Food and Drug Administration, but  
17 does not include devices or their components, parts, or  
18 accessories; and (2) all other articles intended for and having  
19 for their main use the diagnosis, cure, mitigation, treatment  
20 or prevention of disease in man or other animals, as approved  
21 by the United States Food and Drug Administration, but does not  
22 include devices or their components, parts, or accessories; and  
23 (3) articles (other than food) having for their main use and  
24 intended to affect the structure or any function of the body of  
25 man or other animals; and (4) articles having for their main  
26 use and intended for use as a component or any articles

1 specified in clause (1), (2) or (3); but does not include  
2 devices or their components, parts or accessories.

3 (c) "Medicines" means and includes all drugs intended for  
4 human or veterinary use approved by the United States Food and  
5 Drug Administration.

6 (d) "Practice of pharmacy" means (1) the interpretation and  
7 the provision of assistance in the monitoring, evaluation, and  
8 implementation of prescription drug orders; (2) the dispensing  
9 of prescription drug orders; (3) participation in drug and  
10 device selection; (4) drug administration limited to the  
11 administration of oral, topical, injectable, and inhalation as  
12 follows: in the context of patient education on the proper use  
13 or delivery of medications; vaccination of patients 14 years of  
14 age and older pursuant to a valid prescription or standing  
15 order, by a physician licensed to practice medicine in all its  
16 branches, upon completion of appropriate training, including  
17 how to address contraindications and adverse reactions set  
18 forth by rule, with notification to the patient's physician and  
19 appropriate record retention, or pursuant to hospital pharmacy  
20 and therapeutics committee policies and procedures; (5) drug  
21 regimen review; (6) drug or drug-related research; (7) the  
22 provision of patient counseling; (8) the practice of  
23 telepharmacy; (9) the provision of those acts or services  
24 necessary to provide pharmacist care; (10) medication therapy  
25 management; and (11) the responsibility for compounding and  
26 labeling of drugs and devices (except labeling by a

1 manufacturer, repackager, or distributor of non-prescription  
2 drugs and commercially packaged legend drugs and devices),  
3 proper and safe storage of drugs and devices, and maintenance  
4 of required records. A pharmacist who performs any of the acts  
5 defined as the practice of pharmacy in this State must be  
6 actively licensed as a pharmacist under this Act.

7 (e) "Prescription" means and includes any written, oral,  
8 facsimile, or electronically transmitted order for drugs or  
9 medical devices, issued by a physician licensed to practice  
10 medicine in all its branches, dentist, veterinarian, or  
11 podiatrist, or optometrist, within the limits of their  
12 licenses, by a physician assistant in accordance with  
13 subsection (f) of Section 4, or by an advanced practice nurse  
14 in accordance with subsection (g) of Section 4, containing the  
15 following: (1) name of the patient; (2) date when prescription  
16 was issued; (3) name and strength of drug or description of the  
17 medical device prescribed; and (4) quantity, (5) directions for  
18 use, (6) prescriber's name, address and signature, and (7) DEA  
19 number where required, for controlled substances. DEA numbers  
20 shall not be required on inpatient drug orders.

21 (f) "Person" means and includes a natural person,  
22 copartnership, association, corporation, government entity, or  
23 any other legal entity.

24 (g) "Department" means the Department of Financial and  
25 Professional Regulation.

26 (h) "Board of Pharmacy" or "Board" means the State Board of

1 Pharmacy of the Department of Financial and Professional  
2 Regulation.

3 (i) "Secretary" means the Secretary of Financial and  
4 Professional Regulation.

5 (j) "Drug product selection" means the interchange for a  
6 prescribed pharmaceutical product in accordance with Section  
7 25 of this Act and Section 3.14 of the Illinois Food, Drug and  
8 Cosmetic Act.

9 (k) "Inpatient drug order" means an order issued by an  
10 authorized prescriber for a resident or patient of a facility  
11 licensed under the Nursing Home Care Act, the MR/DD Community  
12 Care Act, or the Hospital Licensing Act, or "An Act in relation  
13 to the founding and operation of the University of Illinois  
14 Hospital and the conduct of University of Illinois health care  
15 programs", approved July 3, 1931, as amended, or a facility  
16 which is operated by the Department of Human Services (as  
17 successor to the Department of Mental Health and Developmental  
18 Disabilities) or the Department of Corrections.

19 (k-5) "Pharmacist" means an individual health care  
20 professional and provider currently licensed by this State to  
21 engage in the practice of pharmacy.

22 (l) "Pharmacist in charge" means the licensed pharmacist  
23 whose name appears on a pharmacy license and who is responsible  
24 for all aspects of the operation related to the practice of  
25 pharmacy.

26 (m) "Dispense" or "dispensing" means the interpretation,

1 evaluation, and implementation of a prescription drug order,  
2 including the preparation and delivery of a drug or device to a  
3 patient or patient's agent in a suitable container  
4 appropriately labeled for subsequent administration to or use  
5 by a patient in accordance with applicable State and federal  
6 laws and regulations. "Dispense" or "dispensing" does not mean  
7 the physical delivery to a patient or a patient's  
8 representative in a home or institution by a designee of a  
9 pharmacist or by common carrier. "Dispense" or "dispensing"  
10 also does not mean the physical delivery of a drug or medical  
11 device to a patient or patient's representative by a  
12 pharmacist's designee within a pharmacy or drugstore while the  
13 pharmacist is on duty and the pharmacy is open.

14 (n) "Nonresident pharmacy" means a pharmacy that is located  
15 in a state, commonwealth, or territory of the United States,  
16 other than Illinois, that delivers, dispenses, or distributes,  
17 through the United States Postal Service, commercially  
18 acceptable parcel delivery service, or other common carrier, to  
19 Illinois residents, any substance which requires a  
20 prescription.

21 (o) "Compounding" means the preparation and mixing of  
22 components, excluding flavorings, (1) as the result of a  
23 prescriber's prescription drug order or initiative based on the  
24 prescriber-patient-pharmacist relationship in the course of  
25 professional practice or (2) for the purpose of, or incident  
26 to, research, teaching, or chemical analysis and not for sale

1 or dispensing. "Compounding" includes the preparation of drugs  
2 or devices in anticipation of receiving prescription drug  
3 orders based on routine, regularly observed dispensing  
4 patterns. Commercially available products may be compounded  
5 for dispensing to individual patients only if all of the  
6 following conditions are met: (i) the commercial product is not  
7 reasonably available from normal distribution channels in a  
8 timely manner to meet the patient's needs and (ii) the  
9 prescribing practitioner has requested that the drug be  
10 compounded.

11 (p) (Blank).

12 (q) (Blank).

13 (r) "Patient counseling" means the communication between a  
14 pharmacist or a student pharmacist under the supervision of a  
15 pharmacist and a patient or the patient's representative about  
16 the patient's medication or device for the purpose of  
17 optimizing proper use of prescription medications or devices.  
18 "Patient counseling" may include without limitation (1)  
19 obtaining a medication history; (2) acquiring a patient's  
20 allergies and health conditions; (3) facilitation of the  
21 patient's understanding of the intended use of the medication;  
22 (4) proper directions for use; (5) significant potential  
23 adverse events; (6) potential food-drug interactions; and (7)  
24 the need to be compliant with the medication therapy. A  
25 pharmacy technician may only participate in the following  
26 aspects of patient counseling under the supervision of a

1 pharmacist: (1) obtaining medication history; (2) providing  
2 the offer for counseling by a pharmacist or student pharmacist;  
3 and (3) acquiring a patient's allergies and health conditions.

4 (s) "Patient profiles" or "patient drug therapy record"  
5 means the obtaining, recording, and maintenance of patient  
6 prescription information, including prescriptions for  
7 controlled substances, and personal information.

8 (t) (Blank).

9 (u) "Medical device" means an instrument, apparatus,  
10 implement, machine, contrivance, implant, in vitro reagent, or  
11 other similar or related article, including any component part  
12 or accessory, required under federal law to bear the label  
13 "Caution: Federal law requires dispensing by or on the order of  
14 a physician". A seller of goods and services who, only for the  
15 purpose of retail sales, compounds, sells, rents, or leases  
16 medical devices shall not, by reasons thereof, be required to  
17 be a licensed pharmacy.

18 (v) "Unique identifier" means an electronic signature,  
19 handwritten signature or initials, thumb print, or other  
20 acceptable biometric or electronic identification process as  
21 approved by the Department.

22 (w) "Current usual and customary retail price" means the  
23 price that a pharmacy charges to a non-third-party payor.

24 (x) "Automated pharmacy system" means a mechanical system  
25 located within the confines of the pharmacy or remote location  
26 that performs operations or activities, other than compounding

1 or administration, relative to storage, packaging, dispensing,  
2 or distribution of medication, and which collects, controls,  
3 and maintains all transaction information.

4 (y) "Drug regimen review" means and includes the evaluation  
5 of prescription drug orders and patient records for (1) known  
6 allergies; (2) drug or potential therapy contraindications;  
7 (3) reasonable dose, duration of use, and route of  
8 administration, taking into consideration factors such as age,  
9 gender, and contraindications; (4) reasonable directions for  
10 use; (5) potential or actual adverse drug reactions; (6)  
11 drug-drug interactions; (7) drug-food interactions; (8)  
12 drug-disease contraindications; (9) therapeutic duplication;  
13 (10) patient laboratory values when authorized and available;  
14 (11) proper utilization (including over or under utilization)  
15 and optimum therapeutic outcomes; and (12) abuse and misuse.

16 (z) "Electronic transmission prescription" means any  
17 prescription order for which a facsimile or electronic image of  
18 the order is electronically transmitted from a licensed  
19 prescriber to a pharmacy. "Electronic transmission  
20 prescription" includes both data and image prescriptions.

21 (aa) "Medication therapy management services" means a  
22 distinct service or group of services offered by licensed  
23 pharmacists, physicians licensed to practice medicine in all  
24 its branches, advanced practice nurses authorized in a written  
25 agreement with a physician licensed to practice medicine in all  
26 its branches, or physician assistants authorized in guidelines

1 by a supervising physician that optimize therapeutic outcomes  
2 for individual patients through improved medication use. In a  
3 retail or other non-hospital pharmacy, medication therapy  
4 management services shall consist of the evaluation of  
5 prescription drug orders and patient medication records to  
6 resolve conflicts with the following:

7 (1) known allergies;

8 (2) drug or potential therapy contraindications;

9 (3) reasonable dose, duration of use, and route of  
10 administration, taking into consideration factors such as  
11 age, gender, and contraindications;

12 (4) reasonable directions for use;

13 (5) potential or actual adverse drug reactions;

14 (6) drug-drug interactions;

15 (7) drug-food interactions;

16 (8) drug-disease contraindications;

17 (9) identification of therapeutic duplication;

18 (10) patient laboratory values when authorized and  
19 available;

20 (11) proper utilization (including over or under  
21 utilization) and optimum therapeutic outcomes; and

22 (12) drug abuse and misuse.

23 "Medication therapy management services" includes the  
24 following:

25 (1) documenting the services delivered and  
26 communicating the information provided to patients'

1 prescribers within an appropriate time frame, not to exceed  
2 48 hours;

3 (2) providing patient counseling designed to enhance a  
4 patient's understanding and the appropriate use of his or  
5 her medications; and

6 (3) providing information, support services, and  
7 resources designed to enhance a patient's adherence with  
8 his or her prescribed therapeutic regimens.

9 "Medication therapy management services" may also include  
10 patient care functions authorized by a physician licensed to  
11 practice medicine in all its branches for his or her identified  
12 patient or groups of patients under specified conditions or  
13 limitations in a standing order from the physician.

14 "Medication therapy management services" in a licensed  
15 hospital may also include the following:

16 (1) reviewing assessments of the patient's health  
17 status; and

18 (2) following protocols of a hospital pharmacy and  
19 therapeutics committee with respect to the fulfillment of  
20 medication orders.

21 (bb) "Pharmacist care" means the provision by a pharmacist  
22 of medication therapy management services, with or without the  
23 dispensing of drugs or devices, intended to achieve outcomes  
24 that improve patient health, quality of life, and comfort and  
25 enhance patient safety.

26 (cc) "Protected health information" means individually

1 identifiable health information that, except as otherwise  
2 provided, is:

3 (1) transmitted by electronic media;

4 (2) maintained in any medium set forth in the  
5 definition of "electronic media" in the federal Health  
6 Insurance Portability and Accountability Act; or

7 (3) transmitted or maintained in any other form or  
8 medium.

9 "Protected health information" does not include individually  
10 identifiable health information found in:

11 (1) education records covered by the federal Family  
12 Educational Right and Privacy Act; or

13 (2) employment records held by a licensee in its role  
14 as an employer.

15 (dd) "Standing order" means a specific order for a patient  
16 or group of patients issued by a physician licensed to practice  
17 medicine in all its branches in Illinois.

18 (ee) "Address of record" means the address recorded by the  
19 Department in the applicant's or licensee's application file or  
20 license file, as maintained by the Department's licensure  
21 maintenance unit.

22 (ff) "Home pharmacy" means the location of a pharmacy's  
23 primary operations.

24 (Source: P.A. 95-689, eff. 10-29-07; 96-339, eff. 7-1-10;  
25 96-673, eff. 1-1-10; revised 10-1-09.)

1 (225 ILCS 85/15) (from Ch. 111, par. 4135)

2 (Section scheduled to be repealed on January 1, 2018)

3 Sec. 15. Pharmacy requirements.

4 (1) It shall be unlawful for the owner of any pharmacy, as  
5 defined in this Act, to operate or conduct the same, or to  
6 allow the same to be operated or conducted, unless:

7 (a) It has a licensed pharmacist, authorized to  
8 practice pharmacy in this State under the provisions of  
9 this Act, on duty whenever the practice of pharmacy is  
10 conducted;

11 (b) Security provisions for all drugs and devices, as  
12 determined by rule of the Department, are provided during  
13 the absence from the licensed pharmacy of all licensed  
14 pharmacists. Maintenance of security provisions is the  
15 responsibility of the licensed pharmacist in charge; and

16 (c) The pharmacy is licensed under this Act to conduct  
17 the practice of pharmacy in any and all forms from the  
18 physical address of the pharmacy's primary inventory where  
19 U.S. mail is delivered. If a facility, company, or  
20 organization operates multiple pharmacies from multiple  
21 physical addresses, a separate pharmacy license is  
22 required for each different physical address.

23 (2) ~~(d)~~ The Department may allow a pharmacy that is not  
24 located at the same location as its home pharmacy and at which  
25 pharmacy services are provided during an emergency situation,  
26 as defined by rule, to be operated as an emergency remote

1 pharmacy. An emergency remote pharmacy operating under this  
2 subsection (2) ~~(d)~~ shall operate under the license of the home  
3 pharmacy.

4 (3) The Secretary may waive the requirement for a  
5 pharmacist to be on duty at all times for State facilities not  
6 treating human ailments. This waiver of the requirement remains  
7 in effect until it is rescinded by the Secretary and the  
8 Department provides written notice of the rescission to the  
9 State facility.

10 (4) It shall be unlawful for any person, who is not a  
11 licensed pharmacy or health care facility, to purport to be  
12 such or to use in name, title, or sign designating, or in  
13 connection with that place of business, any of the words:  
14 "pharmacy", "pharmacist", "pharmacy department", "apothecary",  
15 "druggist", "drug", "drugs", "medicines", "medicine store",  
16 "drug sundries", "prescriptions filled", or any list of words  
17 indicating that drugs are compounded or sold to the lay public,  
18 or prescriptions are dispensed therein. Each day during which,  
19 or a part which, such representation is made or appears or such  
20 a sign is allowed to remain upon or in such a place of business  
21 shall constitute a separate offense under this Act.

22 (5) The holder of any license or certificate of  
23 registration shall conspicuously display it in the pharmacy in  
24 which he is engaged in the practice of pharmacy. The pharmacist  
25 in charge shall conspicuously display his name in such  
26 pharmacy. The pharmacy license shall also be conspicuously

1 displayed.

2 (Source: P.A. 95-689, eff. 10-29-07; 96-219, eff. 8-10-09;  
3 revised 11-3-09.)

4 Section 450. The Physician Assistant Practice Act of 1987  
5 is amended by changing Section 7.5 as follows:

6 (225 ILCS 95/7.5)

7 (Section scheduled to be repealed on January 1, 2018)

8 Sec. 7.5. Prescriptions; written supervision agreements;  
9 prescriptive authority.

10 (a) A written supervision agreement is required for all  
11 physician assistants to practice in the State.

12 (1) A written supervision agreement shall describe the  
13 working relationship of the physician assistant with the  
14 supervising physician and shall authorize the categories  
15 of care, treatment, or procedures to be performed by the  
16 physician assistant. The written supervision agreement  
17 shall be defined to promote the exercise of professional  
18 judgment by the physician assistant commensurate with his  
19 or her education and experience. The services to be  
20 provided by the physician assistant shall be services that  
21 the supervising physician is authorized to and generally  
22 provides to his or her patients in the normal course of his  
23 or her clinical medical practice. The written supervision  
24 agreement need not describe the exact steps that a

1 physician assistant must take with respect to each specific  
2 condition, disease, or symptom but must specify which  
3 authorized procedures require the presence of the  
4 supervising physician as the procedures are being  
5 performed. The supervision relationship under a written  
6 supervision agreement shall not be construed to require the  
7 personal presence of a physician at all times at the place  
8 where services are rendered. Methods of communication  
9 shall be available for consultation with the supervising  
10 physician in person or by telecommunications in accordance  
11 with established written guidelines as set forth in the  
12 written supervision agreement.

13 (2) The written supervision agreement shall be  
14 adequate if a physician does each of the following:

15 (A) Participates in the joint formulation and  
16 joint approval of orders or guidelines with the  
17 physician assistant and he or she periodically reviews  
18 such orders and the services provided patients under  
19 such orders in accordance with accepted standards of  
20 medical practice and physician assistant practice.

21 (B) Meets in person with the physician assistant at  
22 least once a month to provide supervision.

23 (3) A copy of the signed, written supervision agreement  
24 must be available to the Department upon request from both  
25 the physician assistant and the supervising physician.

26 (4) A physician assistant shall inform each

1 supervising physician of all written supervision  
2 agreements he or she has signed and provide a copy of these  
3 to any supervising physician upon request.

4 (b) A supervising physician may, but is not required to,  
5 delegate prescriptive authority to a physician assistant as  
6 part of a written supervision agreement. This authority may,  
7 but is not required to, include prescription of, selection of,  
8 orders for, administration of, storage of, acceptance of  
9 samples of, and dispensing over the counter medications, legend  
10 drugs, medical gases, and controlled substances categorized as  
11 Schedule III through V controlled substances, as defined in  
12 Article II of the Illinois Controlled Substances Act, and other  
13 preparations, including, but not limited to, botanical and  
14 herbal remedies. The supervising physician must have a valid,  
15 current Illinois controlled substance license and federal  
16 registration with the Drug Enforcement Agency to delegate the  
17 authority to prescribe controlled substances.

18 (1) To prescribe Schedule III, IV, or V controlled  
19 substances under this Section, a physician assistant must  
20 obtain a mid-level practitioner controlled substances  
21 license. Medication orders issued by a physician assistant  
22 shall be reviewed periodically by the supervising  
23 physician.

24 (2) The supervising physician shall file with the  
25 Department notice of delegation of prescriptive authority  
26 to a physician assistant and termination of delegation,

1 specifying the authority delegated or terminated. Upon  
2 receipt of this notice delegating authority to prescribe  
3 Schedule III, IV, or V controlled substances, the physician  
4 assistant shall be eligible to register for a mid-level  
5 practitioner controlled substances license under Section  
6 303.05 of the Illinois Controlled Substances Act. Nothing  
7 in this Act shall be construed to limit the delegation of  
8 tasks or duties by the supervising physician to a nurse or  
9 other appropriately trained persons in accordance with  
10 Section 54.2 of the Medical Practice Act of 1987.

11 (3) In addition to the requirements of subsection (b)  
12 of this Section, a supervising physician may, but is not  
13 required to, delegate authority to a physician assistant to  
14 prescribe Schedule II controlled substances, if all of the  
15 following conditions apply:

16 (A) No more than 5 Schedule II controlled  
17 substances by oral dosage may be delegated.

18 (B) Any delegation must be controlled substances  
19 that the supervising physician prescribes.

20 (C) Any prescription must be limited to no more  
21 than a 30-day oral dosage, with any continuation  
22 authorized only after prior approval of the  
23 supervising physician.

24 (c) Nothing in this Act shall be construed to limit the  
25 delegation of tasks or duties by a physician to a licensed  
26 practical nurse, a registered professional nurse, or other

1 persons.

2 (Source: P.A. 96-268, eff. 8-11-09; 96-618, eff. 1-1-10;  
3 revised 9-15-09.)

4 Section 455. The Veterinary Medicine and Surgery Practice  
5 Act of 2004 is amended by changing Section 11 as follows:

6 (225 ILCS 115/11) (from Ch. 111, par. 7011)

7 (Section scheduled to be repealed on January 1, 2014)

8 Sec. 11. Practice pending licensure.— A person holding the  
9 degree of Doctor of Veterinary Medicine, or its equivalent,  
10 from an accredited college of veterinary medicine, and who has  
11 applied in writing to the Department for a license to practice  
12 veterinary medicine and surgery in any of its branches, and who  
13 has fulfilled the requirements of Section 8 of this Act, with  
14 the exception of receipt of notification of his or her  
15 examination results, may practice under the direct supervision  
16 of a veterinarian who is licensed in this State, until: (1) the  
17 applicant has been notified of his or her failure to pass the  
18 examination authorized by the Department; (2) the applicant has  
19 withdrawn his or her application; (3) the applicant has  
20 received a license from the Department after successfully  
21 passing the examination authorized by the Department; or (4)  
22 the applicant has been notified by the Department to cease and  
23 desist from practicing.

24 The applicant shall perform only those acts that may be

1 prescribed by and incidental to his or her employment and those  
2 acts shall be performed under the direction of a supervising  
3 veterinarian who is licensed in this State. The applicant shall  
4 not be entitled to otherwise engage in the practice of  
5 veterinary medicine until fully licensed in this State.

6 The Department shall immediately notify, by certified  
7 mail, the supervising veterinarian employing the applicant and  
8 the applicant that the applicant shall immediately cease and  
9 desist from practicing if the applicant (1) practices outside  
10 his or her employment under a licensed veterinarian; (2)  
11 violates any provision of this Act; or (3) becomes ineligible  
12 for licensure under this Act.

13 (Source: P.A. 96-571, eff. 8-18-09; 96-638, eff. 8-24-09;  
14 revised 9-15-09.)

15 Section 460. The Perfusionist Practice Act is amended by  
16 changing Sections 90 and 170 as follows:

17 (225 ILCS 125/90)

18 (Section scheduled to be repealed on January 1, 2020)

19 Sec. 90. Fees; deposit of fees and fines. ▬

20 (a) The Department shall set by rule fees for the  
21 administration of this Act, including, but not limited to, fees  
22 for initial and renewal licensure and restoration of a license.  
23 The fees shall be nonrefundable.

24 (b) All of the fees and fines collected under this Act

1 shall be deposited into the General Professions Dedicated Fund.  
2 The monies deposited into the Fund shall be appropriated to the  
3 Department for expenses of the Department in the administration  
4 of this Act.

5 (Source: P.A. 96-682, eff. 8-25-09; revised 11-3-09.)

6 (225 ILCS 125/170)

7 (Section scheduled to be repealed on January 1, 2020)

8 Sec. 170. Hearing officer. The Secretary shall have the  
9 authority to appoint an attorney licensed to practice law in  
10 this State to serve as the hearing officer in any action for  
11 refusal to issue, restore, or renew a license or to discipline  
12 a licensee. The hearing officer shall have full authority to  
13 conduct the hearing. A Board member or members may attend the  
14 hearing. The hearing officer shall report his or her findings  
15 of fact, conclusions of law, and recommendations to the Board.  
16 The Board shall have 60 days from receipt of the report to  
17 review the report of the hearing officer and to present its  
18 findings of fact, conclusions of law, and recommendations to  
19 the Secretary and to all parties to the proceeding. If the  
20 Board fails to present its report within the 60-day period, the  
21 respondent may request in writing a direct appeal to the  
22 Secretary, in which case the Secretary shall, within 7 calendar  
23 days after such request, issue an order directing the Board to  
24 issue its findings of fact, conclusions of law, and  
25 recommendations to the Secretary within 30 calendar days of

1 such order. If the Board fails to issue its findings of fact,  
2 conclusions of law, and recommendations within that time frame  
3 to the Secretary after the entry of such order, the Secretary  
4 shall, within 30 calendar days thereafter, issue an order based  
5 upon the report of the hearing officer and the record of the  
6 proceedings in accordance with such order. If (i) a direct  
7 appeal is requested, (ii) the Board fails to issue its findings  
8 of fact, conclusions of law, and recommendations within its  
9 30-day mandate from the Secretary or the Secretary fails to  
10 order the Board to do so, and (iii) the Secretary fails to  
11 issue an order within 30 calendar days thereafter, then the  
12 hearing officer's report is deemed accepted and a final  
13 decision of the Secretary. Notwithstanding the foregoing,  
14 should the Secretary, upon review, determine that substantial  
15 justice has not been done in the revocation, suspension, or  
16 refusal to issue or renew a license, or other disciplinary  
17 action taken per the result of the entry of such hearing  
18 officer's report, the Secretary may order a rehearing by the  
19 same or another examiner. If the Secretary disagrees with the  
20 recommendation of the Board or hearing officer, he or she may  
21 issue an order in contravention of the recommendation.

22 (Source: P.A. 96-682, eff. 8-25-09; revised 11-3-09.)

23 Section 465. The Elevator Safety and Regulation Act is  
24 amended by changing Section 10 as follows:

1 (225 ILCS 312/10)

2 (Section scheduled to be repealed on January 1, 2013)

3 Sec. 10. Applicability.

4 (a) This Act covers the construction, operation,  
5 inspection, testing, maintenance, alteration, and repair of  
6 the following equipment, its associated parts, and its  
7 hoistways (except as modified by subsection (c) of this  
8 Section):

9 (1) Hoisting and lowering mechanisms equipped with a  
10 car or platform, which move between 2 or more landings.  
11 This equipment includes, but is not limited to, the  
12 following (also see ASME A17.1, ASME A17.3, and ASME  
13 A18.1):

14 (A) Elevators.

15 (B) Platform lifts and stairway chair lifts.

16 (2) Power driven stairways and walkways for carrying  
17 persons between landings. This equipment includes, but is  
18 not limited to, the following (also see ASME A17.1 and ASME  
19 A17.3):

20 (A) Escalators.

21 (B) Moving walks.

22 (3) Hoisting and lowering mechanisms equipped with a  
23 car, which serves 2 or more landings and is restricted to  
24 the carrying of material by its limited size or limited  
25 access to the car. This equipment includes, but is not  
26 limited to, the following (also see ASME A17.1 and ASME

1 A17.3):

2 (A) Dumbwaiters.

3 (B) Material lifts and dumbwaiters with automatic  
4 transfer devices.

5 (b) This Act covers the construction, operation,  
6 inspection, maintenance, alteration, and repair of automatic  
7 guided transit vehicles on guideways with an exclusive  
8 right-of-way. This equipment includes, but is not limited to,  
9 automated people movers (also see ASCE 21).

10 (c) This Act does not apply to the following equipment:

11 (1) Material hoists within the scope of ANSI A10.5.

12 (2) Manlifts within the scope of ASME A90.1.

13 (3) Mobile scaffolds, towers, and platforms within the  
14 scope of ANSI A92.

15 (4) Powered platforms and equipment for exterior and  
16 interior maintenance within the scope of ANSI 120.1.

17 (5) Conveyors and related equipment within the scope of  
18 ASME B20.1.

19 (6) Cranes, derricks, hoists, hooks, jacks, and slings  
20 within the scope of ASME B30.

21 (7) Industrial trucks within the scope of ASME B56.

22 (8) Portable equipment, except for portable escalators  
23 that are covered by ANSI A17.1.

24 (9) Tiering or piling machines used to move materials  
25 to and from storage located and operating entirely within  
26 one story.

1           (10) Equipment for feeding or positioning materials at  
2 machine tools, printing presses, etc.

3           (11) Skip or furnace hoists.

4           (12) Wharf ramps.

5           (13) Railroad car lifts or dumpers.

6           (14) Line jacks, false cars, shafters, moving  
7 platforms, and similar equipment used for installing an  
8 elevator by a contractor licensed in this State.

9           (15) (Blank).

10          (16) Conveyances located in a private residence not  
11 accessible to the public.

12          (17) Special purpose personnel elevators within the  
13 scope of ASME A17.1 and used only by authorized personnel.

14          (18) Personnel hoists within the scope of ANSI A10.4.

15          (d) This Act does not apply to a municipality with a  
16 population over 500,000.

17          (Source: P.A. 95-573, eff. 8-31-07; 96-54, eff. 7-23-09;  
18 96-342, eff. 8-11-09; revised 9-4-09.)

19          Section 470. The Illinois Professional Land Surveyor Act of  
20 1989 is amended by changing Section 5 as follows:

21           (225 ILCS 330/5) (from Ch. 111, par. 3255)

22           (Section scheduled to be repealed on January 1, 2020)

23           Sec. 5. Practice of land surveying defined. Any person who  
24 practices in Illinois as a professional land surveyor who

1 renders, offers to render, or holds himself or herself out as  
2 able to render, or perform any service, the adequate  
3 performance of which involves the special knowledge of the art  
4 and application of the principles of the accurate and precise  
5 measurement of length, angle, elevation or volume,  
6 mathematics, the related physical and applied sciences, and the  
7 relevant requirements of law, all of which are acquired by  
8 education, training, experience, and examination. Any one or  
9 combination of the following practices constitutes the  
10 practice of land surveying:

11 (a) Establishing or reestablishing, locating,  
12 defining, and making or monumenting land boundaries or  
13 title or real property lines and the platting of lands and  
14 subdivisions;

15 (b) Establishing the area or volume of any portion of  
16 the earth's surface, subsurface, or airspace with respect  
17 to boundary lines, determining the configuration or  
18 contours of any portion of the earth's surface, subsurface,  
19 or airspace or the location of fixed objects thereon,  
20 except as performed by photogrammetric methods or except  
21 when the level of accuracy required is less than the level  
22 of accuracy required by the National Society of  
23 Professional Surveyors Model Standards and Practice;

24 (c) Preparing descriptions for the determination of  
25 title or real property rights to any portion or volume of  
26 the earth's surface, subsurface, or airspace involving the

1 lengths and direction of boundary lines, areas, parts of  
2 platted parcels or the contours of the earth's surface,  
3 subsurface, or airspace;

4 (d) Labeling, designating, naming, or otherwise  
5 identifying legal lines or land title lines of the United  
6 States Rectangular System or any subdivision thereof on any  
7 plat, map, exhibit, photograph, photographic composite, or  
8 mosaic or photogrammetric map of any portion of the earth's  
9 surface for the purpose of recording the same in the Office  
10 of Recorder in any county;

11 (e) Any act or combination of acts that would be viewed  
12 as offering professional land surveying services  
13 including:

14 (1) setting monuments which have the appearance of  
15 or for the express purpose of marking land boundaries,  
16 either directly or as an accessory;

17 (2) providing any sketch, map, plat, report,  
18 monument record, or other document which indicates  
19 land boundaries and monuments, or accessory monuments  
20 thereto, except that if the sketch, map, plat, report,  
21 monument record, or other document is a copy of an  
22 original prepared by a Professional Land Surveyor, and  
23 if proper reference to that fact be made on that  
24 document;

25 (3) performing topographic surveys, with the  
26 exception of a licensed professional engineer

1 knowledgeable in topographical surveys that performs a  
2 topographical survey specific to his or her design  
3 project. A licensed professional engineer may not,  
4 however, offer topographic surveying services that are  
5 independent of his or her specific design project; or

6 (4) locating, relocating, establishing,  
7 re-establishing, retracing, laying out, or staking  
8 of the location, alignment, or elevation of any  
9 proposed improvements whose location is dependant  
10 upon property lines;

11 (f) Determining the horizontal or vertical position or  
12 state plane coordinates for any monument or reference point  
13 that marks a title or real property line, boundary, or  
14 corner, or to set, reset, or replace any monument or  
15 reference point on any title or real property;

16 (g) Creating, preparing, or modifying electronic or  
17 computerized data or maps, including land information  
18 systems and geographic information systems, relative to  
19 the performance of activities in items (a), (b), (d), (e),  
20 (f), and (h) of this Section, except where electronic means  
21 or computerized data is otherwise utilized to integrate,  
22 display, represent, or assess the created, prepared, or  
23 modified data;

24 (h) Establishing or adjusting any control network or  
25 any geodetic control network or cadastral data as it  
26 pertains to items (a) through (g) of this Section together

1 with the assignment of measured values to any United States  
2 Rectangular System corners, title or real property corner  
3 monuments or geodetic monuments;

4 (i) Preparing and attesting to the accuracy of a map or  
5 plat showing the land boundaries or lines and marks and  
6 monuments of the boundaries or of a map or plat showing the  
7 boundaries of surface, subsurface, or air rights;

8 (j) Executing and issuing certificates, endorsements,  
9 reports, or plats that portray the horizontal or vertical  
10 relationship between existing physical objects or  
11 structures and one or more corners, datums, or boundaries  
12 of any portion of the earth's surface, subsurface, or  
13 airspace;

14 (k) Acting in direct supervision and control of land  
15 surveying activities or acting as a manager in any place of  
16 business that solicits, performs, or practices land  
17 surveying;

18 (l) Offering or soliciting to perform any of the  
19 services set forth in this Section;

20 ~~(m)~~ In the performance of any of the foregoing functions, a  
21 licensee shall adhere to the standards of professional conduct  
22 enumerated in 68 Ill. Adm. Code 1270.57. Nothing contained in  
23 this Section imposes upon a person licensed under this Act the  
24 responsibility for the performance of any of the foregoing  
25 functions unless such person specifically contracts to perform  
26 such functions.

1 (Source: P.A. 96-626, eff. 8-24-09; revised 11-3-09.)

2 Section 475. The Auction License Act is amended by changing  
3 Section 15-10 as follows:

4 (225 ILCS 407/15-10)

5 (Section scheduled to be repealed on January 1, 2020)

6 Sec. 15-10. Auction contract. Any auctioneer or auction  
7 firm shall not conduct an auction or provide an auction  
8 service, unless the auctioneer or auction firm enters into a  
9 written auction contract with the seller of any property at  
10 auction prior to the date of the auction. Any agreement shall  
11 state whether the auction is with reserve or absolute. The  
12 agreement shall be signed by the auctioneer or auction firm  
13 conducting an auction or providing an auction service and the  
14 seller or sellers, or the legal agent of the seller or sellers  
15 of the property to be offered at or by auction, and shall  
16 include, but not be limited to the following disclosures:

17 (1) Licensees shall disclose:

18 (A) the name, license number, business address,  
19 and phone number of the auctioneer or auction firm  
20 conducting an auction or providing an auction service;

21 (B) the fee to be paid to the auctioneer or auction  
22 firm for conducting an auction or providing an auction  
23 service; ~~and~~

24 (C) an estimate of the advertising costs that shall

1 be paid by the seller or sellers of property at auction  
2 and a disclosure that, if the actual advertising costs  
3 exceeds 120% of the estimated advertising cost, the  
4 auctioneer or auction firm shall pay the advertising  
5 costs that exceed 120% of the estimated advertising  
6 costs or shall have the seller or sellers agree in  
7 writing to pay for the actual advertising costs in  
8 excess of 120% of the estimated advertising costs; ~~and.~~

9 (D) the buyer premium and the party to the  
10 transaction that receives it.

11 (2) Sellers shall disclose:

12 (A) the name, address, and phone number of the  
13 seller or sellers or the legal agent of the seller or  
14 sellers of property to be sold at auction; and

15 (B) any mortgage, lien, easement, or encumbrance  
16 of which the seller has knowledge on any property or  
17 goods to be sold or leased at or by auction.

18 (Source: P.A. 96-730, eff. 8-25-09; revised 11-3-09.)

19 Section 480. The Real Estate Appraiser Licensing Act of  
20 2002 is amended by changing Section 5-10 as follows:

21 (225 ILCS 458/5-10)

22 (Section scheduled to be repealed on January 1, 2012)

23 Sec. 5-10. Application for State certified general real  
24 estate appraiser.

1 (a) Every person who desires to obtain a State certified  
2 general real estate appraiser license shall:

3 (1) apply to the Department on forms provided by the  
4 Department accompanied by the required fee;

5 (2) be at least 18 years of age;

6 (3) (blank);

7 (4) personally take and pass an examination authorized  
8 by the Department and endorsed by the AQB;

9 (5) prior to taking the examination, provide evidence  
10 to the Department, in Modular Course format, with each  
11 module conforming to the Real Property Appraiser  
12 Qualification Criteria established and adopted by the AQB,  
13 that he or she has successfully completed the prerequisite  
14 classroom hours of instruction in appraising as  
15 established by the AQB and by rule; and

16 (6) prior to taking the examination, provide evidence  
17 to the Department that he or she has successfully completed  
18 the prerequisite experience requirements in appraising as  
19 established by AQB and by rule.

20 (b) Applicants must provide evidence to the Department of  
21 (i) holding a Bachelor's degree or higher from an accredited  
22 college or university or (ii) successfully passing 30 semester  
23 credit hours or the equivalent from an accredited college or  
24 university, junior college, or community college in the  
25 following subjects:

26 (1) English composition;

- 1 (2) micro economics;
- 2 (3) macro economics;
- 3 (4) finance;
- 4 (5) algebra, geometry, or higher mathematics;
- 5 (6) statistics;
- 6 (7) introduction to computers-word processing and
- 7 spreadsheets;
- 8 (8) business or real estate law; and
- 9 (9) two elective courses in accounting, geography,
- 10 agricultural economics, business management, or real
- 11 estate.

12 If an accredited college or university accepts the  
13 College-Level Examination Program (CLEP) examinations and  
14 issues a transcript for the exam showing its approval, it will  
15 be considered credit for the college course for the purposes of  
16 meeting the requirements of this subsection (b) ~~(e)~~.

17 (Source: P.A. 96-844, eff. 12-23-09; revised 1-4-10.)

18 Section 485. The Riverboat Gambling Act is amended by  
19 changing Section 5 as follows:

20 (230 ILCS 10/5) (from Ch. 120, par. 2405)

21 Sec. 5. Gaming Board.

22 (a) (1) There is hereby established within the Department  
23 of Revenue an Illinois Gaming Board which shall have the powers  
24 and duties specified in this Act, and all other powers

1 necessary and proper to fully and effectively execute this Act  
2 for the purpose of administering, regulating, and enforcing the  
3 system of riverboat gambling established by this Act. Its  
4 jurisdiction shall extend under this Act to every person,  
5 association, corporation, partnership and trust involved in  
6 riverboat gambling operations in the State of Illinois.

7 (2) The Board shall consist of 5 members to be appointed by  
8 the Governor with the advice and consent of the Senate, one of  
9 whom shall be designated by the Governor to be chairman. Each  
10 member shall have a reasonable knowledge of the practice,  
11 procedure and principles of gambling operations. Each member  
12 shall either be a resident of Illinois or shall certify that he  
13 will become a resident of Illinois before taking office. At  
14 least one member shall be experienced in law enforcement and  
15 criminal investigation, at least one member shall be a  
16 certified public accountant experienced in accounting and  
17 auditing, and at least one member shall be a lawyer licensed to  
18 practice law in Illinois.

19 (3) The terms of office of the Board members shall be 3  
20 years, except that the terms of office of the initial Board  
21 members appointed pursuant to this Act will commence from the  
22 effective date of this Act and run as follows: one for a term  
23 ending July 1, 1991, 2 for a term ending July 1, 1992, and 2 for  
24 a term ending July 1, 1993. Upon the expiration of the  
25 foregoing terms, the successors of such members shall serve a  
26 term for 3 years and until their successors are appointed and

1 qualified for like terms. Vacancies in the Board shall be  
2 filled for the unexpired term in like manner as original  
3 appointments. Each member of the Board shall be eligible for  
4 reappointment at the discretion of the Governor with the advice  
5 and consent of the Senate.

6 (4) Each member of the Board shall receive \$300 for each  
7 day the Board meets and for each day the member conducts any  
8 hearing pursuant to this Act. Each member of the Board shall  
9 also be reimbursed for all actual and necessary expenses and  
10 disbursements incurred in the execution of official duties.

11 (5) No person shall be appointed a member of the Board or  
12 continue to be a member of the Board who is, or whose spouse,  
13 child or parent is, a member of the board of directors of, or a  
14 person financially interested in, any gambling operation  
15 subject to the jurisdiction of this Board, or any race track,  
16 race meeting, racing association or the operations thereof  
17 subject to the jurisdiction of the Illinois Racing Board. No  
18 Board member shall hold any other public office for which he  
19 shall receive compensation other than necessary travel or other  
20 incidental expenses. No person shall be a member of the Board  
21 who is not of good moral character or who has been convicted  
22 of, or is under indictment for, a felony under the laws of  
23 Illinois or any other state, or the United States.

24 (6) Any member of the Board may be removed by the Governor  
25 for neglect of duty, misfeasance, malfeasance, or nonfeasance  
26 in office.

1           (7) Before entering upon the discharge of the duties of his  
2 office, each member of the Board shall take an oath that he  
3 will faithfully execute the duties of his office according to  
4 the laws of the State and the rules and regulations adopted  
5 therewith and shall give bond to the State of Illinois,  
6 approved by the Governor, in the sum of \$25,000. Every such  
7 bond, when duly executed and approved, shall be recorded in the  
8 office of the Secretary of State. Whenever the Governor  
9 determines that the bond of any member of the Board has become  
10 or is likely to become invalid or insufficient, he shall  
11 require such member forthwith to renew his bond, which is to be  
12 approved by the Governor. Any member of the Board who fails to  
13 take oath and give bond within 30 days from the date of his  
14 appointment, or who fails to renew his bond within 30 days  
15 after it is demanded by the Governor, shall be guilty of  
16 neglect of duty and may be removed by the Governor. The cost of  
17 any bond given by any member of the Board under this Section  
18 shall be taken to be a part of the necessary expenses of the  
19 Board.

20           (8) Upon the request of the Board, the Department shall  
21 employ such personnel as may be necessary to carry out the  
22 functions of the Board. No person shall be employed to serve  
23 the Board who is, or whose spouse, parent or child is, an  
24 official of, or has a financial interest in or financial  
25 relation with, any operator engaged in gambling operations  
26 within this State or any organization engaged in conducting

1 horse racing within this State. Any employee violating these  
2 prohibitions shall be subject to termination of employment.

3 (9) An Administrator shall perform any and all duties that  
4 the Board shall assign him. The salary of the Administrator  
5 shall be determined by the Board and approved by the Director  
6 of the Department and, in addition, he shall be reimbursed for  
7 all actual and necessary expenses incurred by him in discharge  
8 of his official duties. The Administrator shall keep records of  
9 all proceedings of the Board and shall preserve all records,  
10 books, documents and other papers belonging to the Board or  
11 entrusted to its care. The Administrator shall devote his full  
12 time to the duties of the office and shall not hold any other  
13 office or employment.

14 (b) The Board shall have general responsibility for the  
15 implementation of this Act. Its duties include, without  
16 limitation, the following:

17 (1) To decide promptly and in reasonable order all  
18 license applications. Any party aggrieved by an action of  
19 the Board denying, suspending, revoking, restricting or  
20 refusing to renew a license may request a hearing before  
21 the Board. A request for a hearing must be made to the  
22 Board in writing within 5 days after service of notice of  
23 the action of the Board. Notice of the action of the Board  
24 shall be served either by personal delivery or by certified  
25 mail, postage prepaid, to the aggrieved party. Notice  
26 served by certified mail shall be deemed complete on the

1 business day following the date of such mailing. The Board  
2 shall conduct all requested hearings promptly and in  
3 reasonable order;

4 (2) To conduct all hearings pertaining to civil  
5 violations of this Act or rules and regulations promulgated  
6 hereunder;

7 (3) To promulgate such rules and regulations as in its  
8 judgment may be necessary to protect or enhance the  
9 credibility and integrity of gambling operations  
10 authorized by this Act and the regulatory process  
11 hereunder;

12 (4) To provide for the establishment and collection of  
13 all license and registration fees and taxes imposed by this  
14 Act and the rules and regulations issued pursuant hereto.  
15 All such fees and taxes shall be deposited into the State  
16 Gaming Fund;

17 (5) To provide for the levy and collection of penalties  
18 and fines for the violation of provisions of this Act and  
19 the rules and regulations promulgated hereunder. All such  
20 fines and penalties shall be deposited into the Education  
21 Assistance Fund, created by Public Act 86-0018, of the  
22 State of Illinois;

23 (6) To be present through its inspectors and agents any  
24 time gambling operations are conducted on any riverboat for  
25 the purpose of certifying the revenue thereof, receiving  
26 complaints from the public, and conducting such other

1 investigations into the conduct of the gambling games and  
2 the maintenance of the equipment as from time to time the  
3 Board may deem necessary and proper;

4 (7) To review and rule upon any complaint by a licensee  
5 regarding any investigative procedures of the State which  
6 are unnecessarily disruptive of gambling operations. The  
7 need to inspect and investigate shall be presumed at all  
8 times. The disruption of a licensee's operations shall be  
9 proved by clear and convincing evidence, and establish  
10 that: (A) the procedures had no reasonable law enforcement  
11 purposes, and (B) the procedures were so disruptive as to  
12 unreasonably inhibit gambling operations;

13 (8) To hold at least one meeting each quarter of the  
14 fiscal year. In addition, special meetings may be called by  
15 the Chairman or any 2 Board members upon 72 hours written  
16 notice to each member. All Board meetings shall be subject  
17 to the Open Meetings Act. Three members of the Board shall  
18 constitute a quorum, and 3 votes shall be required for any  
19 final determination by the Board. The Board shall keep a  
20 complete and accurate record of all its meetings. A  
21 majority of the members of the Board shall constitute a  
22 quorum for the transaction of any business, for the  
23 performance of any duty, or for the exercise of any power  
24 which this Act requires the Board members to transact,  
25 perform or exercise en banc, except that, upon order of the  
26 Board, one of the Board members or an administrative law

1 judge designated by the Board may conduct any hearing  
2 provided for under this Act or by Board rule and may  
3 recommend findings and decisions to the Board. The Board  
4 member or administrative law judge conducting such hearing  
5 shall have all powers and rights granted to the Board in  
6 this Act. The record made at the time of the hearing shall  
7 be reviewed by the Board, or a majority thereof, and the  
8 findings and decision of the majority of the Board shall  
9 constitute the order of the Board in such case;

10 (9) To maintain records which are separate and distinct  
11 from the records of any other State board or commission.  
12 Such records shall be available for public inspection and  
13 shall accurately reflect all Board proceedings;

14 (10) To file a written annual report with the Governor  
15 on or before March 1 each year and such additional reports  
16 as the Governor may request. The annual report shall  
17 include a statement of receipts and disbursements by the  
18 Board, actions taken by the Board, and any additional  
19 information and recommendations which the Board may deem  
20 valuable or which the Governor may request;

21 (11) (Blank);

22 (12) To assume responsibility for the administration  
23 and enforcement of the Bingo License and Tax Act, the  
24 Charitable Games Act, and the Pull Tabs and Jar Games Act  
25 if such responsibility is delegated to it by the Director  
26 of Revenue; and

1           (13) To assume responsibility for administration and  
2 enforcement of the Video Gaming Act.

3           (c) The Board shall have jurisdiction over and shall  
4 supervise all gambling operations governed by this Act. The  
5 Board shall have all powers necessary and proper to fully and  
6 effectively execute the provisions of this Act, including, but  
7 not limited to, the following:

8           (1) To investigate applicants and determine the  
9 eligibility of applicants for licenses and to select among  
10 competing applicants the applicants which best serve the  
11 interests of the citizens of Illinois.

12           (2) To have jurisdiction and supervision over all  
13 riverboat gambling operations in this State and all persons  
14 on riverboats where gambling operations are conducted.

15           (3) To promulgate rules and regulations for the purpose  
16 of administering the provisions of this Act and to  
17 prescribe rules, regulations and conditions under which  
18 all riverboat gambling in the State shall be conducted.  
19 Such rules and regulations are to provide for the  
20 prevention of practices detrimental to the public interest  
21 and for the best interests of riverboat gambling, including  
22 rules and regulations regarding the inspection of such  
23 riverboats and the review of any permits or licenses  
24 necessary to operate a riverboat under any laws or  
25 regulations applicable to riverboats, and to impose  
26 penalties for violations thereof.

1           (4) To enter the office, riverboats, facilities, or  
2 other places of business of a licensee, where evidence of  
3 the compliance or noncompliance with the provisions of this  
4 Act is likely to be found.

5           (5) To investigate alleged violations of this Act or  
6 the rules of the Board and to take appropriate disciplinary  
7 action against a licensee or a holder of an occupational  
8 license for a violation, or institute appropriate legal  
9 action for enforcement, or both.

10          (6) To adopt standards for the licensing of all persons  
11 under this Act, as well as for electronic or mechanical  
12 gambling games, and to establish fees for such licenses.

13          (7) To adopt appropriate standards for all riverboats  
14 and facilities.

15          (8) To require that the records, including financial or  
16 other statements of any licensee under this Act, shall be  
17 kept in such manner as prescribed by the Board and that any  
18 such licensee involved in the ownership or management of  
19 gambling operations submit to the Board an annual balance  
20 sheet and profit and loss statement, list of the  
21 stockholders or other persons having a 1% or greater  
22 beneficial interest in the gambling activities of each  
23 licensee, and any other information the Board deems  
24 necessary in order to effectively administer this Act and  
25 all rules, regulations, orders and final decisions  
26 promulgated under this Act.

1           (9) To conduct hearings, issue subpoenas for the  
2 attendance of witnesses and subpoenas duces tecum for the  
3 production of books, records and other pertinent documents  
4 in accordance with the Illinois Administrative Procedure  
5 Act, and to administer oaths and affirmations to the  
6 witnesses, when, in the judgment of the Board, it is  
7 necessary to administer or enforce this Act or the Board  
8 rules.

9           (10) To prescribe a form to be used by any licensee  
10 involved in the ownership or management of gambling  
11 operations as an application for employment for their  
12 employees.

13           (11) To revoke or suspend licenses, as the Board may  
14 see fit and in compliance with applicable laws of the State  
15 regarding administrative procedures, and to review  
16 applications for the renewal of licenses. The Board may  
17 suspend an owners license, without notice or hearing upon a  
18 determination that the safety or health of patrons or  
19 employees is jeopardized by continuing a riverboat's  
20 operation. The suspension may remain in effect until the  
21 Board determines that the cause for suspension has been  
22 abated. The Board may revoke the owners license upon a  
23 determination that the owner has not made satisfactory  
24 progress toward abating the hazard.

25           (12) To eject or exclude or authorize the ejection or  
26 exclusion of, any person from riverboat gambling

1 facilities where such person is in violation of this Act,  
2 rules and regulations thereunder, or final orders of the  
3 Board, or where such person's conduct or reputation is such  
4 that his presence within the riverboat gambling facilities  
5 may, in the opinion of the Board, call into question the  
6 honesty and integrity of the gambling operations or  
7 interfere with orderly conduct thereof; provided that the  
8 propriety of such ejection or exclusion is subject to  
9 subsequent hearing by the Board.

10 (13) To require all licensees of gambling operations to  
11 utilize a cashless wagering system whereby all players'  
12 money is converted to tokens, electronic cards, or chips  
13 which shall be used only for wagering in the gambling  
14 establishment.

15 (14) (Blank).

16 (15) To suspend, revoke or restrict licenses, to  
17 require the removal of a licensee or an employee of a  
18 licensee for a violation of this Act or a Board rule or for  
19 engaging in a fraudulent practice, and to impose civil  
20 penalties of up to \$5,000 against individuals and up to  
21 \$10,000 or an amount equal to the daily gross receipts,  
22 whichever is larger, against licensees for each violation  
23 of any provision of the Act, any rules adopted by the  
24 Board, any order of the Board or any other action which, in  
25 the Board's discretion, is a detriment or impediment to  
26 riverboat gambling operations.

1           (16) To hire employees to gather information, conduct  
2 investigations and carry out any other tasks contemplated  
3 under this Act.

4           (17) To establish minimum levels of insurance to be  
5 maintained by licensees.

6           (18) To authorize a licensee to sell or serve alcoholic  
7 liquors, wine or beer as defined in the Liquor Control Act  
8 of 1934 on board a riverboat and to have exclusive  
9 authority to establish the hours for sale and consumption  
10 of alcoholic liquor on board a riverboat, notwithstanding  
11 any provision of the Liquor Control Act of 1934 or any  
12 local ordinance, and regardless of whether the riverboat  
13 makes excursions. The establishment of the hours for sale  
14 and consumption of alcoholic liquor on board a riverboat is  
15 an exclusive power and function of the State. A home rule  
16 unit may not establish the hours for sale and consumption  
17 of alcoholic liquor on board a riverboat. This amendatory  
18 Act of 1991 is a denial and limitation of home rule powers  
19 and functions under subsection (h) of Section 6 of Article  
20 VII of the Illinois Constitution.

21           (19) After consultation with the U.S. Army Corps of  
22 Engineers, to establish binding emergency orders upon the  
23 concurrence of a majority of the members of the Board  
24 regarding the navigability of water, relative to  
25 excursions, in the event of extreme weather conditions,  
26 acts of God or other extreme circumstances.

1           (20) To delegate the execution of any of its powers  
2 under this Act for the purpose of administering and  
3 enforcing this Act and its rules and regulations hereunder.

4           (20.6) To appoint investigators to conduct  
5 investigations, searches, seizures, arrests, and other  
6 duties imposed under this Act, as deemed necessary by the  
7 Board. These investigators have and may exercise all of the  
8 rights and powers of peace officers, provided that these  
9 powers shall be limited to offenses or violations occurring  
10 or committed on a riverboat or dock, as defined in  
11 subsections (d) and (f) of Section 4, or as otherwise  
12 provided by this Act or any other law.

13           (20.7) To contract with the Department of State Police  
14 for the use of trained and qualified State police officers  
15 and with the Department of Revenue for the use of trained  
16 and qualified Department of Revenue investigators to  
17 conduct investigations, searches, seizures, arrests, and  
18 other duties imposed under this Act and to exercise all of  
19 the rights and powers of peace officers, provided that the  
20 powers of Department of Revenue investigators under this  
21 subdivision (20.7) shall be limited to offenses or  
22 violations occurring or committed on a riverboat or dock,  
23 as defined in subsections (d) and (f) of Section 4, or as  
24 otherwise provided by this Act or any other law. In the  
25 event the Department of State Police or the Department of  
26 Revenue is unable to fill contracted police or

1           investigative positions, the Board may appoint  
2           investigators to fill those positions pursuant to  
3           subdivision (20.6).

4           (21) To take any other action as may be reasonable or  
5           appropriate to enforce this Act and rules and regulations  
6           hereunder.

7           (d) The Board may seek and shall receive the cooperation of  
8           the Department of State Police in conducting background  
9           investigations of applicants and in fulfilling its  
10          responsibilities under this Section. Costs incurred by the  
11          Department of State Police as a result of such cooperation  
12          shall be paid by the Board in conformance with the requirements  
13          of Section 2605-400 of the Department of State Police Law (20  
14          ILCS 2605/2605-400).

15          (e) The Board must authorize to each investigator and to  
16          any other employee of the Board exercising the powers of a  
17          peace officer a distinct badge that, on its face, (i) clearly  
18          states that the badge is authorized by the Board and (ii)  
19          contains a unique identifying number. No other badge shall be  
20          authorized by the Board.

21          (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; revised  
22          8-20-09.)

23          Section 490. The Video Gaming Act is amended by changing  
24          Sections 25 and 45 as follows:

1 (230 ILCS 40/25)

2 Sec. 25. Restriction of licensees.

3 (a) Manufacturer. A person may not be licensed as a  
4 manufacturer of a video gaming terminal in Illinois unless the  
5 person has a valid manufacturer's license issued under this  
6 Act. A manufacturer may only sell video gaming terminals for  
7 use in Illinois to persons having a valid distributor's  
8 license.

9 (b) Distributor. A person may not sell, distribute, or  
10 lease or market a video gaming terminal in Illinois unless the  
11 person has a valid distributor's license issued under this Act.  
12 A distributor may only sell video gaming terminals for use in  
13 Illinois to persons having a valid distributor's or terminal  
14 operator's license.

15 (c) Terminal operator. A person may not own, maintain, or  
16 place a video gaming terminal unless he has a valid terminal  
17 operator's license issued under this Act. A terminal operator  
18 may only place video gaming terminals for use in Illinois in  
19 licensed establishments, licensed truck stop establishments,  
20 licensed fraternal establishments, and licensed veterans  
21 establishments. No terminal operator may give anything of  
22 value, including but not limited to a loan or financing  
23 arrangement, to a licensed establishment, licensed truck stop  
24 establishment, licensed fraternal establishment, or licensed  
25 veterans establishment as any incentive or inducement to locate  
26 video terminals in that establishment. Of the after-tax profits

1 from a video gaming terminal, 50% shall be paid to the terminal  
2 operator and 50% shall be paid to the licensed establishment,  
3 licensed truck stop establishment, licensed fraternal  
4 establishment, or licensed veterans establishment,  
5 notwithstanding ~~notwithstanding~~ any agreement to the  
6 contrary. No terminal operator may own or have a substantial  
7 interest in more than 5% of the video gaming terminals licensed  
8 in this State. A video terminal operator that violates one or  
9 more requirements of this subsection is guilty of a Class 4  
10 felony and is subject to termination of his or her license by  
11 the Board.

12 (d) Licensed technician. A person may not service,  
13 maintain, or repair a video gaming terminal in this State  
14 unless he or she (1) has a valid technician's license issued  
15 under this Act, (2) is a terminal operator, or (3) is employed  
16 by a terminal operator, distributor, or manufacturer.

17 (d-5) Licensed terminal handler. No person, including, but  
18 not limited to, an employee or independent contractor working  
19 for a manufacturer, distributor, supplier, technician, or  
20 terminal operator licensed pursuant to this Act, shall have  
21 possession or control of a video gaming terminal, or access to  
22 the inner workings of a video gaming terminal, unless that  
23 person possesses a valid terminal handler's license issued  
24 under this Act.

25 (e) Licensed establishment. No video gaming terminal may be  
26 placed in any licensed establishment, licensed veterans

1 establishment, licensed truck stop establishment, or licensed  
2 fraternal establishment unless the owner or agent of the owner  
3 of the licensed establishment, licensed veterans  
4 establishment, licensed truck stop establishment, or licensed  
5 fraternal establishment has entered into a written use  
6 agreement with the terminal operator for placement of the  
7 terminals. A copy of the use agreement shall be on file in the  
8 terminal operator's place of business and available for  
9 inspection by individuals authorized by the Board. A licensed  
10 establishment, licensed truck stop establishment, licensed  
11 veterans establishment, or licensed fraternal establishment  
12 may operate up to 5 video gaming terminals on its premises at  
13 any time.

14 (f) (Blank).

15 (g) Financial interest restrictions. As used in this Act,  
16 "substantial interest" in a partnership, a corporation, an  
17 organization, an association, or a business means:

18 (A) When, with respect to a sole proprietorship, an  
19 individual or his or her spouse owns, operates,  
20 manages, or conducts, directly or indirectly, the  
21 organization, association, or business, or any part  
22 thereof; or

23 (B) When, with respect to a partnership, the  
24 individual or his or her spouse shares in any of the  
25 profits, or potential profits, of the partnership  
26 activities; or

1           (C) When, with respect to a corporation, an  
2 individual or his or her spouse is an officer or  
3 director, or the individual or his or her spouse is a  
4 holder, directly or beneficially, of 5% or more of any  
5 class of stock of the corporation; or

6           (D) When, with respect to an organization not  
7 covered in (A), (B) or (C) above, an individual or his  
8 or her spouse is an officer or manages the business  
9 affairs, or the individual or his or her spouse is the  
10 owner of or otherwise controls 10% or more of the  
11 assets of the organization; or

12           (E) When an individual or his or her spouse  
13 furnishes 5% or more of the capital, whether in cash,  
14 goods, or services, for the operation of any business,  
15 association, or organization during any calendar year.

16           (h) Location restriction. A licensed establishment,  
17 licensed truck stop establishment, licensed fraternal  
18 establishment, or licensed veterans establishment that is (i)  
19 located within 1,000 feet of a facility operated by an  
20 organizational licensee, an intertrack wagering licensee, or  
21 an intertrack wagering location licensee licensed under the  
22 Illinois Horse Racing Act of 1975 or the home dock of a  
23 riverboat licensed under the Riverboat Gambling Act or (ii)  
24 located within ~~with a~~ 100 feet of a school or a place of  
25 worship under the Religious Corporation Act, is ineligible to  
26 operate a video gaming terminal.

1           (i) The provisions of the Illinois Antitrust Act are fully  
2 and equally applicable to the activities of any licensee under  
3 this Act.

4           (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-38,  
5 eff. 7-13-09; revised 8-17-09.)

6           (230 ILCS 40/45)

7           Sec. 45. Issuance of license.

8           (a) The burden is upon each applicant to demonstrate his  
9 suitability for licensure. Each video gaming terminal  
10 manufacturer, distributor, supplier, operator, handler,  
11 licensed establishment, licensed truck stop establishment,  
12 licensed fraternal establishment, and licensed veterans  
13 establishment shall be licensed by the Board. The Board may  
14 issue or deny a license under this Act to any person pursuant  
15 to the same criteria set forth in Section 9 of the Riverboat  
16 Gambling Act.

17           (b) Each person seeking and possessing a license as a video  
18 gaming terminal manufacturer, distributor, supplier, operator,  
19 handler, licensed establishment, licensed truck stop  
20 establishment, licensed fraternal establishment, or licensed  
21 veterans establishment shall submit to a background  
22 investigation conducted by the Board with the assistance of the  
23 State Police or other law enforcement. The background  
24 investigation shall include each beneficiary of a trust, each  
25 partner of a partnership, and each director and officer and all

1 stockholders of 5% or more in a parent or subsidiary  
2 corporation of a video gaming terminal manufacturer,  
3 distributor, supplier, operator, or licensed establishment,  
4 licensed truck stop establishment, licensed fraternal  
5 establishment, or licensed veterans establishment.

6 (c) Each person seeking and possessing a license as a video  
7 gaming terminal manufacturer, distributor, supplier, operator,  
8 handler, licensed establishment, licensed truck stop  
9 establishment, licensed fraternal establishment, or licensed  
10 veterans establishment shall disclose the identity of every  
11 person, association, trust, or corporation having a greater  
12 than 1% direct or indirect pecuniary interest in the video  
13 gaming terminal operation for ~~to~~ which the license is sought.  
14 If the disclosed entity is a trust, the application shall  
15 disclose the names and addresses of the beneficiaries; if a  
16 corporation, the names and addresses of all stockholders and  
17 directors; or if a partnership, the names and addresses of all  
18 partners, both general and limited.

19 (d) No person may be licensed as a video gaming terminal  
20 manufacturer, distributor, supplier, operator, handler,  
21 licensed establishment, licensed truck stop establishment,  
22 licensed fraternal establishment, or licensed veterans  
23 establishment if that person has been found by the Board to:

24 (1) have a background, including a criminal record,  
25 reputation, habits, social or business associations, or  
26 prior activities that pose a threat to the public interests

1 of the State or to the security and integrity of video  
2 gaming;

3 (2) create or enhance the dangers of unsuitable,  
4 unfair, or illegal practices, methods, and activities in  
5 the conduct of video gaming; or

6 (3) present questionable business practices and  
7 financial arrangements incidental to the conduct of video  
8 gaming activities.

9 (e) Any applicant for any license under this Act has the  
10 burden of proving his or her qualifications to the satisfaction  
11 of the Board. The Board may adopt rules to establish additional  
12 qualifications and requirements to preserve the integrity and  
13 security of video gaming in this State.

14 (f) A non-refundable application fee shall be paid at the  
15 time an application for a license is filed with the Board in  
16 the following amounts:

- 17 (1) Manufacturer ..... \$5,000
- 18 (2) Distributor..... \$5,000
- 19 (3) Terminal operator..... \$5,000
- 20 (4) Supplier ..... \$2,500
- 21 (5) Technician ..... \$100
- 22 (6) Terminal Handler ..... \$50

23 (g) The Board shall establish an annual fee for each  
24 license not to exceed the following:

- 25 (1) Manufacturer ..... \$10,000
- 26 (2) Distributor..... \$10,000

- 1           (3) Terminal operator..... \$5,000
- 2           (4) Supplier ..... \$2,000
- 3           (5) Technician ..... \$100
- 4           (6) Licensed establishment, licensed truck stop
- 5           establishment, licensed fraternal establishment,
- 6           or licensed veterans establishment ..... \$100
- 7           (7) Video gaming terminal..... \$100
- 8           (8) Terminal Handler ..... \$50
- 9           (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-38,
- 10          eff. 7-13-09; revised 8-17-09.)

11           Section 495. The Liquor Control Act of 1934 is amended by  
 12          changing Sections 3-12, 6-16.1, and 8-1 as follows:

13           (235 ILCS 5/3-12)

14           Sec. 3-12. Powers and duties of State Commission.

15           (a) The State commission shall have the following powers,  
 16          functions and duties:

- 17           (1) To receive applications and to issue licenses to
- 18           manufacturers, foreign importers, importing distributors,
- 19           distributors, non-resident dealers, on premise consumption
- 20           retailers, off premise sale retailers, special event
- 21           retailer licensees, special use permit licenses, auction
- 22           liquor licenses, brew pubs, caterer retailers,
- 23           non-beverage users, railroads, including owners and
- 24           lessees of sleeping, dining and cafe cars, airplanes,

1 boats, brokers, and wine maker's premises licensees in  
2 accordance with the provisions of this Act, and to suspend  
3 or revoke such licenses upon the State commission's  
4 determination, upon notice after hearing, that a licensee  
5 has violated any provision of this Act or any rule or  
6 regulation issued pursuant thereto and in effect for 30  
7 days prior to such violation. Except in the case of an  
8 action taken pursuant to a violation of Section 6-3, 6-5,  
9 or 6-9, any action by the State Commission to suspend or  
10 revoke a licensee's license may be limited to the license  
11 for the specific premises where the violation occurred.

12 In lieu of suspending or revoking a license, the  
13 commission may impose a fine, upon the State commission's  
14 determination and notice after hearing, that a licensee has  
15 violated any provision of this Act or any rule or  
16 regulation issued pursuant thereto and in effect for 30  
17 days prior to such violation. The fine imposed under this  
18 paragraph may not exceed \$500 for each violation. Each day  
19 that the activity, which gave rise to the original fine,  
20 continues is a separate violation. The maximum fine that  
21 may be levied against any licensee, for the period of the  
22 license, shall not exceed \$20,000. The maximum penalty that  
23 may be imposed on a licensee for selling a bottle of  
24 alcoholic liquor with a foreign object in it or serving  
25 from a bottle of alcoholic liquor with a foreign object in  
26 it shall be the destruction of that bottle of alcoholic

1 liquor for the first 10 bottles so sold or served from by  
2 the licensee. For the eleventh bottle of alcoholic liquor  
3 and for each third bottle thereafter sold or served from by  
4 the licensee with a foreign object in it, the maximum  
5 penalty that may be imposed on the licensee is the  
6 destruction of the bottle of alcoholic liquor and a fine of  
7 up to \$50.

8 (2) To adopt such rules and regulations consistent with  
9 the provisions of this Act which shall be necessary to  
10 carry on its functions and duties to the end that the  
11 health, safety and welfare of the People of the State of  
12 Illinois shall be protected and temperance in the  
13 consumption of alcoholic liquors shall be fostered and  
14 promoted and to distribute copies of such rules and  
15 regulations to all licensees affected thereby.

16 (3) To call upon other administrative departments of  
17 the State, county and municipal governments, county and  
18 city police departments and upon prosecuting officers for  
19 such information and assistance as it deems necessary in  
20 the performance of its duties.

21 (4) To recommend to local commissioners rules and  
22 regulations, not inconsistent with the law, for the  
23 distribution and sale of alcoholic liquors throughout the  
24 State.

25 (5) To inspect, or cause to be inspected, any premises  
26 in this State where alcoholic liquors are manufactured,

1 distributed, warehoused, or sold.

2 (5.1) Upon receipt of a complaint or upon having  
3 knowledge that any person is engaged in business as a  
4 manufacturer, importing distributor, distributor, or  
5 retailer without a license or valid license, to notify the  
6 local liquor authority, file a complaint with the State's  
7 Attorney's Office of the county where the incident  
8 occurred, or initiate an investigation with the  
9 appropriate law enforcement officials.

10 (5.2) To issue a cease and desist notice to persons  
11 shipping alcoholic liquor into this State from a point  
12 outside of this State if the shipment is in violation of  
13 this Act.

14 (5.3) To receive complaints from licensees, local  
15 officials, law enforcement agencies, organizations, and  
16 persons stating that any licensee has been or is violating  
17 any provision of this Act or the rules and regulations  
18 issued pursuant to this Act. Such complaints shall be in  
19 writing, signed and sworn to by the person making the  
20 complaint, and shall state with specificity the facts in  
21 relation to the alleged violation. If the Commission has  
22 reasonable grounds to believe that the complaint  
23 substantially alleges a violation of this Act or rules and  
24 regulations adopted pursuant to this Act, it shall conduct  
25 an investigation. If, after conducting an investigation,  
26 the Commission is satisfied that the alleged violation did

1 occur, it shall proceed with disciplinary action against  
2 the licensee as provided in this Act.

3 (6) To hear and determine appeals from orders of a  
4 local commission in accordance with the provisions of this  
5 Act, as hereinafter set forth. Hearings under this  
6 subsection shall be held in Springfield or Chicago, at  
7 whichever location is the more convenient for the majority  
8 of persons who are parties to the hearing.

9 (7) The commission shall establish uniform systems of  
10 accounts to be kept by all retail licensees having more  
11 than 4 employees, and for this purpose the commission may  
12 classify all retail licensees having more than 4 employees  
13 and establish a uniform system of accounts for each class  
14 and prescribe the manner in which such accounts shall be  
15 kept. The commission may also prescribe the forms of  
16 accounts to be kept by all retail licensees having more  
17 than 4 employees, including but not limited to accounts of  
18 earnings and expenses and any distribution, payment, or  
19 other distribution of earnings or assets, and any other  
20 forms, records and memoranda which in the judgment of the  
21 commission may be necessary or appropriate to carry out any  
22 of the provisions of this Act, including but not limited to  
23 such forms, records and memoranda as will readily and  
24 accurately disclose at all times the beneficial ownership  
25 of such retail licensed business. The accounts, forms,  
26 records and memoranda shall be available at all reasonable

1 times for inspection by authorized representatives of the  
2 State commission or by any local liquor control  
3 commissioner or his or her authorized representative. The  
4 commission, may, from time to time, alter, amend or repeal,  
5 in whole or in part, any uniform system of accounts, or the  
6 form and manner of keeping accounts.

7 (8) In the conduct of any hearing authorized to be held  
8 by the commission, to appoint, at the commission's  
9 discretion, hearing officers to conduct hearings involving  
10 complex issues or issues that will require a protracted  
11 period of time to resolve, to examine, or cause to be  
12 examined, under oath, any licensee, and to examine or cause  
13 to be examined the books and records of such licensee; to  
14 hear testimony and take proof material for its information  
15 in the discharge of its duties hereunder; to administer or  
16 cause to be administered oaths; for any such purpose to  
17 issue subpoena or subpoenas to require the attendance of  
18 witnesses and the production of books, which shall be  
19 effective in any part of this State, and to adopt rules to  
20 implement its powers under this paragraph (8).

21 Any Circuit Court may by order duly entered, require  
22 the attendance of witnesses and the production of relevant  
23 books subpoenaed by the State commission and the court may  
24 compel obedience to its order by proceedings for contempt.

25 (9) To investigate the administration of laws in  
26 relation to alcoholic liquors in this and other states and

1 any foreign countries, and to recommend from time to time  
2 to the Governor and through him or her to the legislature  
3 of this State, such amendments to this Act, if any, as it  
4 may think desirable and as will serve to further the  
5 general broad purposes contained in Section 1-2 hereof.

6 (10) To adopt such rules and regulations consistent  
7 with the provisions of this Act which shall be necessary  
8 for the control, sale or disposition of alcoholic liquor  
9 damaged as a result of an accident, wreck, flood, fire or  
10 other similar occurrence.

11 (11) To develop industry educational programs related  
12 to responsible serving and selling, particularly in the  
13 areas of overserving consumers and illegal underage  
14 purchasing and consumption of alcoholic beverages.

15 (11.1) To license persons providing education and  
16 training to alcohol beverage sellers and servers under the  
17 Beverage Alcohol Sellers and Servers Education and  
18 Training (BASSET) programs and to develop and administer a  
19 public awareness program in Illinois to reduce or eliminate  
20 the illegal purchase and consumption of alcoholic beverage  
21 products by persons under the age of 21. Application for a  
22 license shall be made on forms provided by the State  
23 Commission.

24 (12) To develop and maintain a repository of license  
25 and regulatory information.

26 (13) On or before January 15, 1994, the Commission

1 shall issue a written report to the Governor and General  
2 Assembly that is to be based on a comprehensive study of  
3 the impact on and implications for the State of Illinois of  
4 Section 1926 of the Federal ADAMHA Reorganization Act of  
5 1992 (Public Law 102-321). This study shall address the  
6 extent to which Illinois currently complies with the  
7 provisions of P.L. 102-321 and the rules promulgated  
8 pursuant thereto.

9 As part of its report, the Commission shall provide the  
10 following essential information:

11 (i) the number of retail distributors of tobacco  
12 products, by type and geographic area, in the State;

13 (ii) the number of reported citations and  
14 successful convictions, categorized by type and  
15 location of retail distributor, for violation of the  
16 Prevention of Tobacco Use by Minors and Sale and  
17 Distribution of Tobacco Products Act and the Smokeless  
18 Tobacco Limitation Act;

19 (iii) the extent and nature of organized  
20 educational and governmental activities that are  
21 intended to promote, encourage or otherwise secure  
22 compliance with any Illinois laws that prohibit the  
23 sale or distribution of tobacco products to minors; and

24 (iv) the level of access and availability of  
25 tobacco products to individuals under the age of 18.

26 To obtain the data necessary to comply with the

1 provisions of P.L. 102-321 and the requirements of this  
2 report, the Commission shall conduct random, unannounced  
3 inspections of a geographically and scientifically  
4 representative sample of the State's retail tobacco  
5 distributors.

6 The Commission shall consult with the Department of  
7 Public Health, the Department of Human Services, the  
8 Illinois State Police and any other executive branch  
9 agency, and private organizations that may have  
10 information relevant to this report.

11 The Commission may contract with the Food and Drug  
12 Administration of the U.S. Department of Health and Human  
13 Services to conduct unannounced investigations of Illinois  
14 tobacco vendors to determine compliance with federal laws  
15 relating to the illegal sale of cigarettes and smokeless  
16 tobacco products to persons under the age of 18.

17 (14) On or before April 30, 2008 and every 2 years  
18 thereafter, the Commission shall present a written report  
19 to the Governor and the General Assembly that shall be  
20 based on a study of the impact of this amendatory Act of  
21 the 95th General Assembly on the business of soliciting,  
22 selling, and shipping wine from inside and outside of this  
23 State directly to residents of this State. As part of its  
24 report, the Commission shall provide all of the following  
25 information:

26 (A) The amount of State excise and sales tax

1 revenues generated.

2 (B) The amount of licensing fees received.

3 (C) The number of cases of wine shipped from inside  
4 and outside of this State directly to residents of this  
5 State.

6 (D) The number of alcohol compliance operations  
7 conducted.

8 (E) The number of winery shipper's licenses  
9 issued.

10 (F) The number of each of the following: reported  
11 violations; cease and desist notices issued by the  
12 Commission; notices of violations issued by the  
13 Commission and to the Department of Revenue; and  
14 notices and complaints of violations to law  
15 enforcement officials, including, without limitation,  
16 the Illinois Attorney General and the U.S. Department  
17 of Treasury's Alcohol and Tobacco Tax and Trade Bureau.

18 (15) As a means to reduce the underage consumption of  
19 alcoholic liquors, the Commission shall conduct alcohol  
20 compliance operations to investigate whether businesses  
21 that are soliciting, selling, and shipping wine from inside  
22 or outside of this State directly to residents of this  
23 State are licensed by this State or are selling or  
24 attempting to sell wine to persons under 21 years of age in  
25 violation of this Act.

26 (16) The Commission shall, in addition to notifying any

1 appropriate law enforcement agency, submit notices of  
2 complaints or violations of Sections 6-29 and 6-29.1 by  
3 persons who do not hold a winery shipper's license under  
4 this amendatory Act to the Illinois Attorney General and to  
5 the U.S. Department of Treasury's Alcohol and Tobacco Tax  
6 and Trade Bureau.

7 (17) (A) A person licensed to make wine under the laws  
8 of another state who has a winery shipper's license under  
9 this amendatory Act and annually produces less than 25,000  
10 gallons of wine or a person who has a first-class or  
11 second-class wine manufacturer's license, a first-class or  
12 second-class wine-maker's license, or a limited wine  
13 manufacturer's license under this Act and annually  
14 produces less than 25,000 gallons of wine may make  
15 application to the Commission for a self-distribution  
16 exemption to allow the sale of not more than 5,000 gallons  
17 of the exemption holder's wine to retail licensees per  
18 year.

19 (B) In the application, which shall be sworn under  
20 penalty of perjury, such person shall state (1) the  
21 date it was established; (2) its volume of production  
22 and sales for each year since its establishment; (3)  
23 its efforts to establish distributor relationships;  
24 (4) that a self-distribution exemption is necessary to  
25 facilitate the marketing of its wine; and (5) that it  
26 will comply with the liquor and revenue laws of the

1 United States, this State, and any other state where it  
2 is licensed.

3 (C) The Commission shall approve the application  
4 for a self-distribution exemption if such person: (1)  
5 is in compliance with State revenue and liquor laws;  
6 (2) is not a member of any affiliated group that  
7 produces more than 25,000 gallons of wine per annum or  
8 produces any other alcoholic liquor; (3) will not  
9 annually produce for sale more than 25,000 gallons of  
10 wine; and (4) will not annually sell more than 5,000  
11 gallons of its wine to retail licensees.

12 (D) A self-distribution exemption holder shall  
13 annually certify to the Commission its production of  
14 wine in the previous 12 months and its anticipated  
15 production and sales for the next 12 months. The  
16 Commission may fine, suspend, or revoke a  
17 self-distribution exemption after a hearing if it  
18 finds that the exemption holder has made a material  
19 misrepresentation in its application, violated a  
20 revenue or liquor law of Illinois, exceeded production  
21 of 25,000 gallons of wine in any calendar year, or  
22 become part of an affiliated group producing more than  
23 25,000 gallons of wine or any other alcoholic liquor.

24 (E) Except in hearings for violations of this Act  
25 or amendatory Act or a bona fide investigation by duly  
26 sworn law enforcement officials, the Commission, or

1           its agents, the Commission shall maintain the  
2           production and sales information of a  
3           self-distribution exemption holder as confidential and  
4           shall not release such information to any person.

5           (F) The Commission shall issue regulations  
6           governing self-distribution exemptions consistent with  
7           this Section and this Act.

8           (G) Nothing in this subsection (17) shall prohibit  
9           a self-distribution exemption holder from entering  
10          into or simultaneously having a distribution agreement  
11          with a licensed Illinois distributor.

12          (H) It is the intent of this subsection (17) to  
13          promote and continue orderly markets. The General  
14          Assembly finds that in order to preserve Illinois'  
15          regulatory distribution system it is necessary to  
16          create an exception for smaller makers of wine as their  
17          wines are frequently adjusted in varietals, mixes,  
18          vintages, and taste to find and create market niches  
19          sometimes too small for distributor or importing  
20          distributor business strategies. Limited  
21          self-distribution rights will afford and allow smaller  
22          makers of wine access to the marketplace in order to  
23          develop a customer base without impairing the  
24          integrity of the 3-tier system.

25          (b) On or before April 30, 1999, the Commission shall  
26          present a written report to the Governor and the General

1 Assembly that shall be based on a study of the impact of this  
2 amendatory Act of 1998 on the business of soliciting, selling,  
3 and shipping alcoholic liquor from outside of this State  
4 directly to residents of this State.

5 As part of its report, the Commission shall provide the  
6 following information:

7 (i) the amount of State excise and sales tax revenues  
8 generated as a result of this amendatory Act of 1998;

9 (ii) the amount of licensing fees received as a result  
10 of this amendatory Act of 1998;

11 (iii) the number of reported violations, the number of  
12 cease and desist notices issued by the Commission, the  
13 number of notices of violations issued to the Department of  
14 Revenue, and the number of notices and complaints of  
15 violations to law enforcement officials.

16 (Source: P.A. 95-634, eff. 6-1-08; 96-179, eff. 8-10-09;  
17 96-446, eff. 1-1-10; revised 10-19-09.)

18 (235 ILCS 5/6-16.1)

19 Sec. 6-16.1. Enforcement actions.

20 (a) A licensee or an officer, associate, member,  
21 representative, agent, or employee of a licensee may sell,  
22 give, or deliver alcoholic liquor to a person under the age of  
23 21 years or authorize the sale, gift, or delivery of alcoholic  
24 liquor to a person under the age of 21 years pursuant to a plan  
25 or action to investigate, patrol, or otherwise conduct a "sting

1 operation" or enforcement action against a person employed by  
2 the licensee or on any licensed premises if the licensee or  
3 officer, associate, member, representative, agent, or employee  
4 of the licensee provides written notice, at least 14 days  
5 before the "sting operation" or enforcement action, unless  
6 governing body of the municipality or county having  
7 jurisdiction sets a shorter period by ordinance, to the law  
8 enforcement agency having jurisdiction, the local liquor  
9 control commissioner, or both. Notice provided under this  
10 Section shall be valid for a "sting operation" or enforcement  
11 action conducted within 60 days of the provision of that  
12 notice, unless the governing body of the municipality or county  
13 having jurisdiction sets a shorter period by ordinance.

14 (b) A local liquor control commission or unit of local  
15 government that conducts alcohol and tobacco compliance  
16 operations shall establish a policy and standards for alcohol  
17 and tobacco compliance operations to investigate whether a  
18 licensee is furnishing (1) alcoholic liquor to persons under 21  
19 years of age in violation of this Act or (2) tobacco to persons  
20 in violation of the Prevention of Tobacco Use by Minors and  
21 Sale and Distribution of Tobacco Products Act.

22 (c) The Illinois Law Enforcement Training Standards Board  
23 shall develop a model policy and guidelines for the operation  
24 of alcohol and tobacco compliance checks by local law  
25 enforcement officers. The Illinois Law Enforcement Training  
26 Standards Board shall also require the supervising officers of

1 such compliance checks to have met a minimum training standard  
2 as determined by the Board. The Board shall have the right to  
3 waive any training based on current written policies and  
4 procedures for alcohol and tobacco compliance check operations  
5 and in-service training already administered by the local law  
6 enforcement agency, department, or office.

7 (d) The provisions of subsections (b) and (c) do not apply  
8 to a home rule unit with more than 2,000,000 inhabitants.

9 (e) A home rule unit, other than a home rule unit with more  
10 than 2,000,000 inhabitants, may not regulate enforcement  
11 actions in a manner inconsistent with the regulation of  
12 enforcement actions under this Section. This subsection (e) is  
13 a limitation under subsection (i) of Section 6 of Article VII  
14 of the Illinois Constitution on the concurrent exercise by home  
15 rule units of powers and functions exercised by the State.

16 (f) A licensee who is the subject of an enforcement action  
17 or "sting operation" under this Section and is found, pursuant  
18 to the enforcement action, to be in compliance with this Act  
19 shall be notified by the enforcement agency action that no  
20 violation was found within 30 days after the finding.

21 (Source: P.A. 96-179, eff. 8-10-09; 96-446, eff. 1-1-10;  
22 revised 10-19-09.)

23 (235 ILCS 5/8-1)

24 Sec. 8-1. A tax is imposed upon the privilege of engaging  
25 in business as a manufacturer or as an importing distributor of

1 alcoholic liquor other than beer at the rate of \$0.185 per  
2 gallon until September 1, 2009 and \$0.231 per gallon beginning  
3 September 1, 2009 for cider containing not less than 0.5%  
4 alcohol by volume nor more than 7% alcohol by volume, \$0.73 per  
5 gallon until September 1, 2009 and \$1.39 per gallon beginning  
6 September 1, 2009 for wine other than cider containing less  
7 than 7% alcohol by volume, and \$4.50 per gallon until September  
8 1, 2009 and \$8.55 per gallon beginning September 1, 2009 on  
9 alcohol and spirits manufactured and sold or used by such  
10 manufacturer, or as agent for any other person, or sold or used  
11 by such importing distributor, or as agent for any other  
12 person. A tax is imposed upon the privilege of engaging in  
13 business as a manufacturer of beer or as an importing  
14 distributor of beer at the rate of \$0.185 per gallon until  
15 September 1, 2009 and \$0.231 per gallon beginning September 1,  
16 2009 on all beer manufactured and sold or used by such  
17 manufacturer, or as agent for any other person, or sold or used  
18 by such importing distributor, or as agent for any other  
19 person. Any brewer manufacturing beer in this State shall be  
20 entitled to and given a credit or refund of 75% of the tax  
21 imposed on each gallon of beer up to 4.9 million gallons per  
22 year in any given calendar year for tax paid or payable on beer  
23 produced and sold in the State of Illinois.

24 For the purpose of this Section, "cider" means any  
25 alcoholic beverage obtained by the alcohol fermentation of the  
26 juice of apples or pears including, but not limited to,

1 flavored, sparkling, or carbonated cider.

2 The credit or refund created by this Act shall apply to all  
3 beer taxes in the calendar years 1982 through 1986.

4 The increases made by this amendatory Act of the 91st  
5 General Assembly in the rates of taxes imposed under this  
6 Section shall apply beginning on July 1, 1999.

7 A tax at the rate of 1¢ per gallon on beer and 48¢ per  
8 gallon on alcohol and spirits is also imposed upon the  
9 privilege of engaging in business as a retailer or as a  
10 distributor who is not also an importing distributor with  
11 respect to all beer and all alcohol and spirits owned or  
12 possessed by such retailer or distributor when this amendatory  
13 Act of 1969 becomes effective, and with respect to which the  
14 additional tax imposed by this amendatory Act upon  
15 manufacturers and importing distributors does not apply.  
16 Retailers and distributors who are subject to the additional  
17 tax imposed by this paragraph of this Section shall be required  
18 to inventory such alcoholic liquor and to pay this additional  
19 tax in a manner prescribed by the Department.

20 The provisions of this Section shall be construed to apply  
21 to any importing distributor engaging in business in this  
22 State, whether licensed or not.

23 However, such tax is not imposed upon any such business as  
24 to any alcoholic liquor shipped outside Illinois by an Illinois  
25 licensed manufacturer or importing distributor, nor as to any  
26 alcoholic liquor delivered in Illinois by an Illinois licensed

1 manufacturer or importing distributor to a purchaser for  
2 immediate transportation by the purchaser to another state into  
3 which the purchaser has a legal right, under the laws of such  
4 state, to import such alcoholic liquor, nor as to any alcoholic  
5 liquor other than beer sold by one Illinois licensed  
6 manufacturer or importing distributor to another Illinois  
7 licensed manufacturer or importing distributor to the extent to  
8 which the sale of alcoholic liquor other than beer by one  
9 Illinois licensed manufacturer or importing distributor to  
10 another Illinois licensed manufacturer or importing  
11 distributor is authorized by the licensing provisions of this  
12 Act, nor to alcoholic liquor whether manufactured in or  
13 imported into this State when sold to a "non-beverage user"  
14 licensed by the State for use in the manufacture of any of the  
15 following when they are unfit for beverage purposes:

16 Patent and proprietary medicines and medicinal,  
17 antiseptic, culinary and toilet preparations;

18 Flavoring extracts and syrups and food products;

19 Scientific, industrial and chemical products, excepting  
20 denatured alcohol;

21 Or for scientific, chemical, experimental or mechanical  
22 purposes;

23 Nor is the tax imposed upon the privilege of engaging in  
24 any business in interstate commerce or otherwise, which  
25 business may not, under the Constitution and Statutes of the  
26 United States, be made the subject of taxation by this State.

1           The tax herein imposed shall be in addition to all other  
2 occupation or privilege taxes imposed by the State of Illinois  
3 or political subdivision thereof.

4           If any alcoholic liquor manufactured in or imported into  
5 this State is sold to a licensed manufacturer or importing  
6 distributor by a licensed manufacturer or importing  
7 distributor to be used solely as an ingredient in the  
8 manufacture of any beverage for human consumption, the tax  
9 imposed upon such purchasing manufacturer or importing  
10 distributor shall be reduced by the amount of the taxes which  
11 have been paid by the selling manufacturer or importing  
12 distributor under this Act as to such alcoholic liquor so used  
13 to the Department of Revenue.

14           If any person received any alcoholic liquors from a  
15 manufacturer or importing distributor, with respect to which  
16 alcoholic liquors no tax is imposed under this Article, and  
17 such alcoholic liquor shall thereafter be disposed of in such  
18 manner or under such circumstances as may cause the same to  
19 become the base for the tax imposed by this Article, such  
20 person shall make the same reports and returns, pay the same  
21 taxes and be subject to all other provisions of this Article  
22 relating to manufacturers and importing distributors.

23           Nothing in this Article shall be construed to require the  
24 payment to the Department of the taxes imposed by this Article  
25 more than once with respect to any quantity of alcoholic liquor  
26 sold or used within this State.

1 No tax is imposed by this Act on sales of alcoholic liquor  
2 by Illinois licensed foreign importers to Illinois licensed  
3 importing distributors.

4 All of the proceeds of the additional tax imposed by Public  
5 Act 96-34 ~~this amendatory Act of the 96th General Assembly~~  
6 shall be deposited by the Department into the Capital Projects  
7 Fund. The remainder of the tax imposed by this Act shall be  
8 deposited by the Department into the General Revenue Fund.

9 The provisions of this Section 8-1 are severable under  
10 Section 1.31 of the Statute on Statutes.

11 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-38,  
12 eff. 7-13-09; revised 8-20-09.)

13 Section 500. The Illinois Public Aid Code is amended by  
14 changing Sections 4-2, 5-2, 5-5.4, 5-5, 12-4.11, and 12-4.201  
15 and by setting forth and renumbering multiple versions of  
16 Section 12-4.37 as follows:

17 (305 ILCS 5/4-2) (from Ch. 23, par. 4-2)

18 Sec. 4-2. Amount of aid.

19 (a) The amount and nature of financial aid shall be  
20 determined in accordance with the grant amounts, rules and  
21 regulations of the Illinois Department. Due regard shall be  
22 given to the self-sufficiency requirements of the family and to  
23 the income, money contributions and other support and resources  
24 available, from whatever source. However, the amount and nature

1 of any financial aid is not affected by the payment of any  
2 grant under the "Senior Citizens and Disabled Persons Property  
3 Tax Relief and Pharmaceutical Assistance Act" or any  
4 distributions or items of income described under subparagraph  
5 (X) of paragraph (2) of subsection (a) of Section 203 of the  
6 Illinois Income Tax Act. The aid shall be sufficient, when  
7 added to all other income, money contributions and support to  
8 provide the family with a grant in the amount established by  
9 Department regulation. ~~Beginning July 1, 2008, the Department~~  
10 ~~of Human Services shall increase TANF grant amounts in effect~~  
11 ~~on June 30, 2008 by 9%.~~

12 Subject to appropriation, beginning on July 1, 2008, the  
13 Department of Human Services shall increase TANF grant amounts  
14 in effect on June 30, 2008 by 15%. The Department is authorized  
15 to administer this increase but may not otherwise adopt any  
16 rule to implement this increase.

17 (b) The Illinois Department may conduct special projects,  
18 which may be known as Grant Diversion Projects, under which  
19 recipients of financial aid under this Article are placed in  
20 jobs and their grants are diverted to the employer who in turn  
21 makes payments to the recipients in the form of salary or other  
22 employment benefits. The Illinois Department shall by rule  
23 specify the terms and conditions of such Grant Diversion  
24 Projects. Such projects shall take into consideration and be  
25 coordinated with the programs administered under the Illinois  
26 Emergency Employment Development Act.

1           (c) The amount and nature of the financial aid for a child  
2 requiring care outside his own home shall be determined in  
3 accordance with the rules and regulations of the Illinois  
4 Department, with due regard to the needs and requirements of  
5 the child in the foster home or institution in which he has  
6 been placed.

7           (d) If the Department establishes grants for family units  
8 consisting exclusively of a pregnant woman with no dependent  
9 child or including her husband if living with her, the grant  
10 amount for such a unit shall be equal to the grant amount for  
11 an assistance unit consisting of one adult, or 2 persons if the  
12 husband is included. Other than as herein described, an unborn  
13 child shall not be counted in determining the size of an  
14 assistance unit or for calculating grants.

15           Payments for basic maintenance requirements of a child or  
16 children and the relative with whom the child or children are  
17 living shall be prescribed, by rule, by the Illinois  
18 Department.

19           Grants under this Article shall not be supplemented by  
20 General Assistance provided under Article VI.

21           (e) Grants shall be paid to the parent or other person with  
22 whom the child or children are living, except for such amount  
23 as is paid in behalf of the child or his parent or other  
24 relative to other persons or agencies pursuant to this Code or  
25 the rules and regulations of the Illinois Department.

26           (f) Subject to subsection (f-5), an assistance unit,

1 receiving financial aid under this Article or temporarily  
2 ineligible to receive aid under this Article under a penalty  
3 imposed by the Illinois Department for failure to comply with  
4 the eligibility requirements or that voluntarily requests  
5 termination of financial assistance under this Article and  
6 becomes subsequently eligible for assistance within 9 months,  
7 shall not receive any increase in the amount of aid solely on  
8 account of the birth of a child; except that an increase is not  
9 prohibited when the birth is (i) of a child of a pregnant woman  
10 who became eligible for aid under this Article during the  
11 pregnancy, or (ii) of a child born within 10 months after the  
12 date of implementation of this subsection, or (iii) of a child  
13 conceived after a family became ineligible for assistance due  
14 to income or marriage and at least 3 months of ineligibility  
15 expired before any reapplication for assistance. This  
16 subsection does not, however, prevent a unit from receiving a  
17 general increase in the amount of aid that is provided to all  
18 recipients of aid under this Article.

19 The Illinois Department is authorized to transfer funds,  
20 and shall use any budgetary savings attributable to not  
21 increasing the grants due to the births of additional children,  
22 to supplement existing funding for employment and training  
23 services for recipients of aid under this Article IV. The  
24 Illinois Department shall target, to the extent the  
25 supplemental funding allows, employment and training services  
26 to the families who do not receive a grant increase after the

1 birth of a child. In addition, the Illinois Department shall  
2 provide, to the extent the supplemental funding allows, such  
3 families with up to 24 months of transitional child care  
4 pursuant to Illinois Department rules. All remaining  
5 supplemental funds shall be used for employment and training  
6 services or transitional child care support.

7 In making the transfers authorized by this subsection, the  
8 Illinois Department shall first determine, pursuant to  
9 regulations adopted by the Illinois Department for this  
10 purpose, the amount of savings attributable to not increasing  
11 the grants due to the births of additional children. Transfers  
12 may be made from General Revenue Fund appropriations for  
13 distributive purposes authorized by Article IV of this Code  
14 only to General Revenue Fund appropriations for employability  
15 development services including operating and administrative  
16 costs and related distributive purposes under Article IXA of  
17 this Code. The Director, with the approval of the Governor,  
18 shall certify the amount and affected line item appropriations  
19 to the State Comptroller.

20 Nothing in this subsection shall be construed to prohibit  
21 the Illinois Department from using funds under this Article IV  
22 to provide assistance in the form of vouchers that may be used  
23 to pay for goods and services deemed by the Illinois  
24 Department, by rule, as suitable for the care of the child such  
25 as diapers, clothing, school supplies, and cribs.

26 (f-5) Subsection (f) shall not apply to affect the monthly

1 assistance amount of any family as a result of the birth of a  
2 child on or after January 1, 2004. As resources permit after  
3 January 1, 2004, the Department may cease applying subsection  
4 (f) to limit assistance to families receiving assistance under  
5 this Article on January 1, 2004, with respect to children born  
6 prior to that date. In any event, subsection (f) shall be  
7 completely inoperative on and after July 1, 2007.

8 (g) (Blank).

9 (h) Notwithstanding any other provision of this Code, the  
10 Illinois Department is authorized to reduce payment levels used  
11 to determine cash grants under this Article after December 31  
12 of any fiscal year if the Illinois Department determines that  
13 the caseload upon which the appropriations for the current  
14 fiscal year are based have increased by more than 5% and the  
15 appropriation is not sufficient to ensure that cash benefits  
16 under this Article do not exceed the amounts appropriated for  
17 those cash benefits. Reductions in payment levels may be  
18 accomplished by emergency rule under Section 5-45 of the  
19 Illinois Administrative Procedure Act, except that the  
20 limitation on the number of emergency rules that may be adopted  
21 in a 24-month period shall not apply and the provisions of  
22 Sections 5-115 and 5-125 of the Illinois Administrative  
23 Procedure Act shall not apply. Increases in payment levels  
24 shall be accomplished only in accordance with Section 5-40 of  
25 the Illinois Administrative Procedure Act. Before any rule to  
26 increase payment levels promulgated under this Section shall

1 become effective, a joint resolution approving the rule must be  
2 adopted by a roll call vote by a majority of the members  
3 elected to each chamber of the General Assembly.

4 (Source: P.A. 95-744, eff. 7-18-08; 95-1055, eff. 4-10-09;  
5 revised 4-14-09.)

6 (305 ILCS 5/5-2) (from Ch. 23, par. 5-2)

7 Sec. 5-2. Classes of Persons Eligible. Medical assistance  
8 under this Article shall be available to any of the following  
9 classes of persons in respect to whom a plan for coverage has  
10 been submitted to the Governor by the Illinois Department and  
11 approved by him:

12 1. Recipients of basic maintenance grants under  
13 Articles III and IV.

14 2. Persons otherwise eligible for basic maintenance  
15 under Articles III and IV, excluding any eligibility  
16 requirements that are inconsistent with any federal law or  
17 federal regulation, as interpreted by the U.S. Department  
18 of Health and Human Services, but who fail to qualify  
19 thereunder on the basis of need or who qualify but are not  
20 receiving basic maintenance under Article IV, and who have  
21 insufficient income and resources to meet the costs of  
22 necessary medical care, including but not limited to the  
23 following:

24 (a) All persons otherwise eligible for basic  
25 maintenance under Article III but who fail to qualify

1 under that Article on the basis of need and who meet  
2 either of the following requirements:

3 (i) their income, as determined by the  
4 Illinois Department in accordance with any federal  
5 requirements, is equal to or less than 70% in  
6 fiscal year 2001, equal to or less than 85% in  
7 fiscal year 2002 and until a date to be determined  
8 by the Department by rule, and equal to or less  
9 than 100% beginning on the date determined by the  
10 Department by rule, of the nonfarm income official  
11 poverty line, as defined by the federal Office of  
12 Management and Budget and revised annually in  
13 accordance with Section 673(2) of the Omnibus  
14 Budget Reconciliation Act of 1981, applicable to  
15 families of the same size; or

16 (ii) their income, after the deduction of  
17 costs incurred for medical care and for other types  
18 of remedial care, is equal to or less than 70% in  
19 fiscal year 2001, equal to or less than 85% in  
20 fiscal year 2002 and until a date to be determined  
21 by the Department by rule, and equal to or less  
22 than 100% beginning on the date determined by the  
23 Department by rule, of the nonfarm income official  
24 poverty line, as defined in item (i) of this  
25 subparagraph (a).

26 (b) All persons who, excluding any eligibility

1 requirements that are inconsistent with any federal  
2 law or federal regulation, as interpreted by the U.S.  
3 Department of Health and Human Services, would be  
4 determined eligible for such basic maintenance under  
5 Article IV by disregarding the maximum earned income  
6 permitted by federal law.

7 3. Persons who would otherwise qualify for Aid to the  
8 Medically Indigent under Article VII.

9 4. Persons not eligible under any of the preceding  
10 paragraphs who fall sick, are injured, or die, not having  
11 sufficient money, property or other resources to meet the  
12 costs of necessary medical care or funeral and burial  
13 expenses.

14 5.(a) Women during pregnancy, after the fact of  
15 pregnancy has been determined by medical diagnosis, and  
16 during the 60-day period beginning on the last day of the  
17 pregnancy, together with their infants and children born  
18 after September 30, 1983, whose income and resources are  
19 insufficient to meet the costs of necessary medical care to  
20 the maximum extent possible under Title XIX of the Federal  
21 Social Security Act.

22 (b) The Illinois Department and the Governor shall  
23 provide a plan for coverage of the persons eligible under  
24 paragraph 5(a) by April 1, 1990. Such plan shall provide  
25 ambulatory prenatal care to pregnant women during a  
26 presumptive eligibility period and establish an income

1 eligibility standard that is equal to 133% of the nonfarm  
2 income official poverty line, as defined by the federal  
3 Office of Management and Budget and revised annually in  
4 accordance with Section 673(2) of the Omnibus Budget  
5 Reconciliation Act of 1981, applicable to families of the  
6 same size, provided that costs incurred for medical care  
7 are not taken into account in determining such income  
8 eligibility.

9 (c) The Illinois Department may conduct a  
10 demonstration in at least one county that will provide  
11 medical assistance to pregnant women, together with their  
12 infants and children up to one year of age, where the  
13 income eligibility standard is set up to 185% of the  
14 nonfarm income official poverty line, as defined by the  
15 federal Office of Management and Budget. The Illinois  
16 Department shall seek and obtain necessary authorization  
17 provided under federal law to implement such a  
18 demonstration. Such demonstration may establish resource  
19 standards that are not more restrictive than those  
20 established under Article IV of this Code.

21 6. Persons under the age of 18 who fail to qualify as  
22 dependent under Article IV and who have insufficient income  
23 and resources to meet the costs of necessary medical care  
24 to the maximum extent permitted under Title XIX of the  
25 Federal Social Security Act.

26 7. Persons who are under 21 years of age and would

1           qualify as disabled as defined under the Federal  
2           Supplemental Security Income Program, provided medical  
3           service for such persons would be eligible for Federal  
4           Financial Participation, and provided the Illinois  
5           Department determines that:

6                   (a) the person requires a level of care provided by  
7                   a hospital, skilled nursing facility, or intermediate  
8                   care facility, as determined by a physician licensed to  
9                   practice medicine in all its branches;

10                   (b) it is appropriate to provide such care outside  
11                   of an institution, as determined by a physician  
12                   licensed to practice medicine in all its branches;

13                   (c) the estimated amount which would be expended  
14                   for care outside the institution is not greater than  
15                   the estimated amount which would be expended in an  
16                   institution.

17           8. Persons who become ineligible for basic maintenance  
18           assistance under Article IV of this Code in programs  
19           administered by the Illinois Department due to employment  
20           earnings and persons in assistance units comprised of  
21           adults and children who become ineligible for basic  
22           maintenance assistance under Article VI of this Code due to  
23           employment earnings. The plan for coverage for this class  
24           of persons shall:

25                   (a) extend the medical assistance coverage for up  
26                   to 12 months following termination of basic

1 maintenance assistance; and

2 (b) offer persons who have initially received 6  
3 months of the coverage provided in paragraph (a) above,  
4 the option of receiving an additional 6 months of  
5 coverage, subject to the following:

6 (i) such coverage shall be pursuant to  
7 provisions of the federal Social Security Act;

8 (ii) such coverage shall include all services  
9 covered while the person was eligible for basic  
10 maintenance assistance;

11 (iii) no premium shall be charged for such  
12 coverage; and

13 (iv) such coverage shall be suspended in the  
14 event of a person's failure without good cause to  
15 file in a timely fashion reports required for this  
16 coverage under the Social Security Act and  
17 coverage shall be reinstated upon the filing of  
18 such reports if the person remains otherwise  
19 eligible.

20 9. Persons with acquired immunodeficiency syndrome  
21 (AIDS) or with AIDS-related conditions with respect to whom  
22 there has been a determination that but for home or  
23 community-based services such individuals would require  
24 the level of care provided in an inpatient hospital,  
25 skilled nursing facility or intermediate care facility the  
26 cost of which is reimbursed under this Article. Assistance

1 shall be provided to such persons to the maximum extent  
2 permitted under Title XIX of the Federal Social Security  
3 Act.

4 10. Participants in the long-term care insurance  
5 partnership program established under the Illinois  
6 Long-Term Care Partnership Program Act who meet the  
7 qualifications for protection of resources described in  
8 Section 15 of that Act.

9 11. Persons with disabilities who are employed and  
10 eligible for Medicaid, pursuant to Section  
11 1902(a)(10)(A)(ii)(xv) of the Social Security Act, and,  
12 subject to federal approval, persons with a medically  
13 improved disability who are employed and eligible for  
14 Medicaid pursuant to Section 1902(a)(10)(A)(ii)(xvi) of  
15 the Social Security Act, as provided by the Illinois  
16 Department by rule. In establishing eligibility standards  
17 under this paragraph 11, the Department shall, subject to  
18 federal approval:

19 (a) set the income eligibility standard at not  
20 lower than 350% of the federal poverty level;

21 (b) exempt retirement accounts that the person  
22 cannot access without penalty before the age of 59 1/2,  
23 and medical savings accounts established pursuant to  
24 26 U.S.C. 220;

25 (c) allow non-exempt assets up to \$25,000 as to  
26 those assets accumulated during periods of eligibility

1 under this paragraph 11; and

2 (d) continue to apply subparagraphs (b) and (c) in  
3 determining the eligibility of the person under this  
4 Article even if the person loses eligibility under this  
5 paragraph 11.

6 12. Subject to federal approval, persons who are  
7 eligible for medical assistance coverage under applicable  
8 provisions of the federal Social Security Act and the  
9 federal Breast and Cervical Cancer Prevention and  
10 Treatment Act of 2000. Those eligible persons are defined  
11 to include, but not be limited to, the following persons:

12 (1) persons who have been screened for breast or  
13 cervical cancer under the U.S. Centers for Disease  
14 Control and Prevention Breast and Cervical Cancer  
15 Program established under Title XV of the federal  
16 Public Health Services Act in accordance with the  
17 requirements of Section 1504 of that Act as  
18 administered by the Illinois Department of Public  
19 Health; and

20 (2) persons whose screenings under the above  
21 program were funded in whole or in part by funds  
22 appropriated to the Illinois Department of Public  
23 Health for breast or cervical cancer screening.

24 "Medical assistance" under this paragraph 12 shall be  
25 identical to the benefits provided under the State's  
26 approved plan under Title XIX of the Social Security Act.

1           The Department must request federal approval of the  
2 coverage under this paragraph 12 within 30 days after the  
3 effective date of this amendatory Act of the 92nd General  
4 Assembly.

5           13. Subject to appropriation and to federal approval,  
6 persons living with HIV/AIDS who are not otherwise eligible  
7 under this Article and who qualify for services covered  
8 under Section 5-5.04 as provided by the Illinois Department  
9 by rule.

10           14. Subject to the availability of funds for this  
11 purpose, the Department may provide coverage under this  
12 Article to persons who reside in Illinois who are not  
13 eligible under any of the preceding paragraphs and who meet  
14 the income guidelines of paragraph 2(a) of this Section and  
15 (i) have an application for asylum pending before the  
16 federal Department of Homeland Security or on appeal before  
17 a court of competent jurisdiction and are represented  
18 either by counsel or by an advocate accredited by the  
19 federal Department of Homeland Security and employed by a  
20 not-for-profit organization in regard to that application  
21 or appeal, or (ii) are receiving services through a  
22 federally funded torture treatment center. Medical  
23 coverage under this paragraph 14 may be provided for up to  
24 24 continuous months from the initial eligibility date so  
25 long as an individual continues to satisfy the criteria of  
26 this paragraph 14. If an individual has an appeal pending

1 regarding an application for asylum before the Department  
2 of Homeland Security, eligibility under this paragraph 14  
3 may be extended until a final decision is rendered on the  
4 appeal. The Department may adopt rules governing the  
5 implementation of this paragraph 14.

6 15. Family Care Eligibility.

7 (a) A caretaker relative who is 19 years of age or  
8 older when countable income is at or below 185% of the  
9 Federal Poverty Level Guidelines, as published  
10 annually in the Federal Register, for the appropriate  
11 family size. A person may not spend down to become  
12 eligible under this paragraph 15.

13 (b) Eligibility shall be reviewed annually.

14 (c) Caretaker relatives enrolled under this  
15 paragraph 15 in families with countable income above  
16 150% and at or below 185% of the Federal Poverty Level  
17 Guidelines shall be counted as family members and pay  
18 premiums as established under the Children's Health  
19 Insurance Program Act.

20 (d) Premiums shall be billed by and payable to the  
21 Department or its authorized agent, on a monthly basis.

22 (e) The premium due date is the last day of the  
23 month preceding the month of coverage.

24 (f) Individuals shall have a grace period through  
25 the month of coverage to pay the premium.

26 (g) Failure to pay the full monthly premium by the

1 last day of the grace period shall result in  
2 termination of coverage.

3 (h) Partial premium payments shall not be  
4 refunded.

5 (i) Following termination of an individual's  
6 coverage under this paragraph 15, the following action  
7 is required before the individual can be re-enrolled:

8 (1) A new application must be completed and the  
9 individual must be determined otherwise eligible.

10 (2) There must be full payment of premiums due  
11 under this Code, the Children's Health Insurance  
12 Program Act, the Covering ALL KIDS Health  
13 Insurance Act, or any other healthcare program  
14 administered by the Department for periods in  
15 which a premium was owed and not paid for the  
16 individual.

17 (3) The first month's premium must be paid if  
18 there was an unpaid premium on the date the  
19 individual's previous coverage was canceled.

20 The Department is authorized to implement the  
21 provisions of this amendatory Act of the 95th General  
22 Assembly by adopting the medical assistance rules in effect  
23 as of October 1, 2007, at 89 Ill. Admin. Code 125, and at  
24 89 Ill. Admin. Code 120.32 along with only those changes  
25 necessary to conform to federal Medicaid requirements,  
26 federal laws, and federal regulations, including but not

1 limited to Section 1931 of the Social Security Act (42  
2 U.S.C. Sec. 1396u-1), as interpreted by the U.S. Department  
3 of Health and Human Services, and the countable income  
4 eligibility standard authorized by this paragraph 15. The  
5 Department may not otherwise adopt any rule to implement  
6 this increase except as authorized by law, to meet the  
7 eligibility standards authorized by the federal government  
8 in the Medicaid State Plan or the Title XXI Plan, or to  
9 meet an order from the federal government or any court.

10 16. ~~15.~~ Subject to appropriation, uninsured persons  
11 who are not otherwise eligible under this Section who have  
12 been certified and referred by the Department of Public  
13 Health as having been screened and found to need diagnostic  
14 evaluation or treatment, or both diagnostic evaluation and  
15 treatment, for prostate or testicular cancer. For the  
16 purposes of this paragraph 16 ~~15~~, uninsured persons are  
17 those who do not have creditable coverage, as defined under  
18 the Health Insurance Portability and Accountability Act,  
19 or have otherwise exhausted any insurance benefits they may  
20 have had, for prostate or testicular cancer diagnostic  
21 evaluation or treatment, or both diagnostic evaluation and  
22 treatment. To be eligible, a person must furnish a Social  
23 Security number. A person's assets are exempt from  
24 consideration in determining eligibility under this  
25 paragraph 16 ~~15~~. Such persons shall be eligible for medical  
26 assistance under this paragraph 16 ~~15~~ for so long as they

1 need treatment for the cancer. A person shall be considered  
2 to need treatment if, in the opinion of the person's  
3 treating physician, the person requires therapy directed  
4 toward cure or palliation of prostate or testicular cancer,  
5 including recurrent metastatic cancer that is a known or  
6 presumed complication of prostate or testicular cancer and  
7 complications resulting from the treatment modalities  
8 themselves. Persons who require only routine monitoring  
9 services are not considered to need treatment. "Medical  
10 assistance" under this paragraph 16 ~~15~~ shall be identical  
11 to the benefits provided under the State's approved plan  
12 under Title XIX of the Social Security Act. Notwithstanding  
13 any other provision of law, the Department (i) does not  
14 have a claim against the estate of a deceased recipient of  
15 services under this paragraph 16 ~~15~~ and (ii) does not have  
16 a lien against any homestead property or other legal or  
17 equitable real property interest owned by a recipient of  
18 services under this paragraph 16 ~~15~~.

19 In implementing the provisions of Public Act 96-20 ~~this~~  
20 ~~amendatory Act of the 96th General Assembly~~, the Department is  
21 authorized to adopt only those rules necessary, including  
22 emergency rules. Nothing in Public Act 96-20 ~~this amendatory~~  
23 ~~Act of the 96th General Assembly~~ permits the Department to  
24 adopt rules or issue a decision that expands eligibility for  
25 the FamilyCare Program to a person whose income exceeds 185% of  
26 the Federal Poverty Level as determined from time to time by

1 the U.S. Department of Health and Human Services, unless the  
2 Department is provided with express statutory authority.

3 The Illinois Department and the Governor shall provide a  
4 plan for coverage of the persons eligible under paragraph 7 as  
5 soon as possible after July 1, 1984.

6 The eligibility of any such person for medical assistance  
7 under this Article is not affected by the payment of any grant  
8 under the Senior Citizens and Disabled Persons Property Tax  
9 Relief and Pharmaceutical Assistance Act or any distributions  
10 or items of income described under subparagraph (X) of  
11 paragraph (2) of subsection (a) of Section 203 of the Illinois  
12 Income Tax Act. The Department shall by rule establish the  
13 amounts of assets to be disregarded in determining eligibility  
14 for medical assistance, which shall at a minimum equal the  
15 amounts to be disregarded under the Federal Supplemental  
16 Security Income Program. The amount of assets of a single  
17 person to be disregarded shall not be less than \$2,000, and the  
18 amount of assets of a married couple to be disregarded shall  
19 not be less than \$3,000.

20 To the extent permitted under federal law, any person found  
21 guilty of a second violation of Article VIII A shall be  
22 ineligible for medical assistance under this Article, as  
23 provided in Section 8A-8.

24 The eligibility of any person for medical assistance under  
25 this Article shall not be affected by the receipt by the person  
26 of donations or benefits from fundraisers held for the person

1 in cases of serious illness, as long as neither the person nor  
2 members of the person's family have actual control over the  
3 donations or benefits or the disbursement of the donations or  
4 benefits.

5 (Source: P.A. 95-546, eff. 8-29-07; 95-1055, eff. 4-10-09;  
6 96-20, eff. 6-30-09; 96-181, eff. 8-10-09; 96-328, eff.  
7 8-11-09; 96-567, eff. 1-1-10; revised 9-25-09.)

8 (305 ILCS 5/5-5) (from Ch. 23, par. 5-5)

9 (Text of Section before amendment by P.A. 96-806)

10 Sec. 5-5. Medical services. The Illinois Department, by  
11 rule, shall determine the quantity and quality of and the rate  
12 of reimbursement for the medical assistance for which payment  
13 will be authorized, and the medical services to be provided,  
14 which may include all or part of the following: (1) inpatient  
15 hospital services; (2) outpatient hospital services; (3) other  
16 laboratory and X-ray services; (4) skilled nursing home  
17 services; (5) physicians' services whether furnished in the  
18 office, the patient's home, a hospital, a skilled nursing home,  
19 or elsewhere; (6) medical care, or any other type of remedial  
20 care furnished by licensed practitioners; (7) home health care  
21 services; (8) private duty nursing service; (9) clinic  
22 services; (10) dental services, including prevention and  
23 treatment of periodontal disease and dental caries disease for  
24 pregnant women, provided by an individual licensed to practice  
25 dentistry or dental surgery; for purposes of this item (10),

1 "dental services" means diagnostic, preventive, or corrective  
2 procedures provided by or under the supervision of a dentist in  
3 the practice of his or her profession; (11) physical therapy  
4 and related services; (12) prescribed drugs, dentures, and  
5 prosthetic devices; and eyeglasses prescribed by a physician  
6 skilled in the diseases of the eye, or by an optometrist,  
7 whichever the person may select; (13) other diagnostic,  
8 screening, preventive, and rehabilitative services; (14)  
9 transportation and such other expenses as may be necessary;  
10 (15) medical treatment of sexual assault survivors, as defined  
11 in Section 1a of the Sexual Assault Survivors Emergency  
12 Treatment Act, for injuries sustained as a result of the sexual  
13 assault, including examinations and laboratory tests to  
14 discover evidence which may be used in criminal proceedings  
15 arising from the sexual assault; (16) the diagnosis and  
16 treatment of sickle cell anemia; and (17) any other medical  
17 care, and any other type of remedial care recognized under the  
18 laws of this State, but not including abortions, or induced  
19 miscarriages or premature births, unless, in the opinion of a  
20 physician, such procedures are necessary for the preservation  
21 of the life of the woman seeking such treatment, or except an  
22 induced premature birth intended to produce a live viable child  
23 and such procedure is necessary for the health of the mother or  
24 her unborn child. The Illinois Department, by rule, shall  
25 prohibit any physician from providing medical assistance to  
26 anyone eligible therefor under this Code where such physician

1 has been found guilty of performing an abortion procedure in a  
2 wilful and wanton manner upon a woman who was not pregnant at  
3 the time such abortion procedure was performed. The term "any  
4 other type of remedial care" shall include nursing care and  
5 nursing home service for persons who rely on treatment by  
6 spiritual means alone through prayer for healing.

7 Notwithstanding any other provision of this Section, a  
8 comprehensive tobacco use cessation program that includes  
9 purchasing prescription drugs or prescription medical devices  
10 approved by the Food and Drug administration shall be covered  
11 under the medical assistance program under this Article for  
12 persons who are otherwise eligible for assistance under this  
13 Article.

14 Notwithstanding any other provision of this Code, the  
15 Illinois Department may not require, as a condition of payment  
16 for any laboratory test authorized under this Article, that a  
17 physician's handwritten signature appear on the laboratory  
18 test order form. The Illinois Department may, however, impose  
19 other appropriate requirements regarding laboratory test order  
20 documentation.

21 The Department of Healthcare and Family Services shall  
22 provide the following services to persons eligible for  
23 assistance under this Article who are participating in  
24 education, training or employment programs operated by the  
25 Department of Human Services as successor to the Department of  
26 Public Aid:

1           (1) dental services provided by or under the  
2 supervision of a dentist; and

3           (2) eyeglasses prescribed by a physician skilled in the  
4 diseases of the eye, or by an optometrist, whichever the  
5 person may select.

6           The Illinois Department, by rule, may distinguish and  
7 classify the medical services to be provided only in accordance  
8 with the classes of persons designated in Section 5-2.

9           The Department of Healthcare and Family Services must  
10 provide coverage and reimbursement for amino acid-based  
11 elemental formulas, regardless of delivery method, for the  
12 diagnosis and treatment of (i) eosinophilic disorders and (ii)  
13 short bowel syndrome when the prescribing physician has issued  
14 a written order stating that the amino acid-based elemental  
15 formula is medically necessary.

16           The Illinois Department shall authorize the provision of,  
17 and shall authorize payment for, screening by low-dose  
18 mammography for the presence of occult breast cancer for women  
19 35 years of age or older who are eligible for medical  
20 assistance under this Article, as follows:

21           (A) A baseline mammogram for women 35 to 39 years of  
22 age.

23           (B) An annual mammogram for women 40 years of age or  
24 older.

25           (C) A mammogram at the age and intervals considered  
26 medically necessary by the woman's health care provider for

1 women under 40 years of age and having a family history of  
2 breast cancer, prior personal history of breast cancer,  
3 positive genetic testing, or other risk factors.

4 (D) A comprehensive ultrasound screening of an entire  
5 breast or breasts if a mammogram demonstrates  
6 heterogeneous or dense breast tissue, when medically  
7 necessary as determined by a physician licensed to practice  
8 medicine in all of its branches.

9 All screenings shall include a physical breast exam,  
10 instruction on self-examination and information regarding the  
11 frequency of self-examination and its value as a preventative  
12 tool. For purposes of this Section, "low-dose mammography"  
13 means the x-ray examination of the breast using equipment  
14 dedicated specifically for mammography, including the x-ray  
15 tube, filter, compression device, and image receptor, with an  
16 average radiation exposure delivery of less than one rad per  
17 breast for 2 views of an average size breast. The term also  
18 includes digital mammography.

19 On and after July 1, 2008, screening and diagnostic  
20 mammography shall be reimbursed at the same rate as the  
21 Medicare program's rates, including the increased  
22 reimbursement for digital mammography.

23 The Department shall convene an expert panel including  
24 representatives of hospitals, free-standing mammography  
25 facilities, and doctors, including radiologists, to establish  
26 quality standards. Based on these quality standards, the

1 Department shall provide for bonus payments to mammography  
2 facilities meeting the standards for screening and diagnosis.  
3 The bonus payments shall be at least 15% higher than the  
4 Medicare rates for mammography.

5 Subject to federal approval, the Department shall  
6 establish a rate methodology for mammography at federally  
7 qualified health centers and other encounter-rate clinics.  
8 These clinics or centers may also collaborate with other  
9 hospital-based mammography facilities.

10 The Department shall establish a methodology to remind  
11 women who are age-appropriate for screening mammography, but  
12 who have not received a mammogram within the previous 18  
13 months, of the importance and benefit of screening mammography.

14 The Department shall establish a performance goal for  
15 primary care providers with respect to their female patients  
16 over age 40 receiving an annual mammogram. This performance  
17 goal shall be used to provide additional reimbursement in the  
18 form of a quality performance bonus to primary care providers  
19 who meet that goal.

20 The Department shall devise a means of case-managing or  
21 patient navigation for beneficiaries diagnosed with breast  
22 cancer. This program shall initially operate as a pilot program  
23 in areas of the State with the highest incidence of mortality  
24 related to breast cancer. At least one pilot program site shall  
25 be in the metropolitan Chicago area and at least one site shall  
26 be outside the metropolitan Chicago area. An evaluation of the

1 pilot program shall be carried out measuring health outcomes  
2 and cost of care for those served by the pilot program compared  
3 to similarly situated patients who are not served by the pilot  
4 program.

5 Any medical or health care provider shall immediately  
6 recommend, to any pregnant woman who is being provided prenatal  
7 services and is suspected of drug abuse or is addicted as  
8 defined in the Alcoholism and Other Drug Abuse and Dependency  
9 Act, referral to a local substance abuse treatment provider  
10 licensed by the Department of Human Services or to a licensed  
11 hospital which provides substance abuse treatment services.  
12 The Department of Healthcare and Family Services shall assure  
13 coverage for the cost of treatment of the drug abuse or  
14 addiction for pregnant recipients in accordance with the  
15 Illinois Medicaid Program in conjunction with the Department of  
16 Human Services.

17 All medical providers providing medical assistance to  
18 pregnant women under this Code shall receive information from  
19 the Department on the availability of services under the Drug  
20 Free Families with a Future or any comparable program providing  
21 case management services for addicted women, including  
22 information on appropriate referrals for other social services  
23 that may be needed by addicted women in addition to treatment  
24 for addiction.

25 The Illinois Department, in cooperation with the  
26 Departments of Human Services (as successor to the Department

1 of Alcoholism and Substance Abuse) and Public Health, through a  
2 public awareness campaign, may provide information concerning  
3 treatment for alcoholism and drug abuse and addiction, prenatal  
4 health care, and other pertinent programs directed at reducing  
5 the number of drug-affected infants born to recipients of  
6 medical assistance.

7 Neither the Department of Healthcare and Family Services  
8 nor the Department of Human Services shall sanction the  
9 recipient solely on the basis of her substance abuse.

10 The Illinois Department shall establish such regulations  
11 governing the dispensing of health services under this Article  
12 as it shall deem appropriate. The Department should seek the  
13 advice of formal professional advisory committees appointed by  
14 the Director of the Illinois Department for the purpose of  
15 providing regular advice on policy and administrative matters,  
16 information dissemination and educational activities for  
17 medical and health care providers, and consistency in  
18 procedures to the Illinois Department.

19 The Illinois Department may develop and contract with  
20 Partnerships of medical providers to arrange medical services  
21 for persons eligible under Section 5-2 of this Code.  
22 Implementation of this Section may be by demonstration projects  
23 in certain geographic areas. The Partnership shall be  
24 represented by a sponsor organization. The Department, by rule,  
25 shall develop qualifications for sponsors of Partnerships.  
26 Nothing in this Section shall be construed to require that the

1 sponsor organization be a medical organization.

2 The sponsor must negotiate formal written contracts with  
3 medical providers for physician services, inpatient and  
4 outpatient hospital care, home health services, treatment for  
5 alcoholism and substance abuse, and other services determined  
6 necessary by the Illinois Department by rule for delivery by  
7 Partnerships. Physician services must include prenatal and  
8 obstetrical care. The Illinois Department shall reimburse  
9 medical services delivered by Partnership providers to clients  
10 in target areas according to provisions of this Article and the  
11 Illinois Health Finance Reform Act, except that:

12 (1) Physicians participating in a Partnership and  
13 providing certain services, which shall be determined by  
14 the Illinois Department, to persons in areas covered by the  
15 Partnership may receive an additional surcharge for such  
16 services.

17 (2) The Department may elect to consider and negotiate  
18 financial incentives to encourage the development of  
19 Partnerships and the efficient delivery of medical care.

20 (3) Persons receiving medical services through  
21 Partnerships may receive medical and case management  
22 services above the level usually offered through the  
23 medical assistance program.

24 Medical providers shall be required to meet certain  
25 qualifications to participate in Partnerships to ensure the  
26 delivery of high quality medical services. These

1 qualifications shall be determined by rule of the Illinois  
2 Department and may be higher than qualifications for  
3 participation in the medical assistance program. Partnership  
4 sponsors may prescribe reasonable additional qualifications  
5 for participation by medical providers, only with the prior  
6 written approval of the Illinois Department.

7 Nothing in this Section shall limit the free choice of  
8 practitioners, hospitals, and other providers of medical  
9 services by clients. In order to ensure patient freedom of  
10 choice, the Illinois Department shall immediately promulgate  
11 all rules and take all other necessary actions so that provided  
12 services may be accessed from therapeutically certified  
13 optometrists to the full extent of the Illinois Optometric  
14 Practice Act of 1987 without discriminating between service  
15 providers.

16 The Department shall apply for a waiver from the United  
17 States Health Care Financing Administration to allow for the  
18 implementation of Partnerships under this Section.

19 The Illinois Department shall require health care  
20 providers to maintain records that document the medical care  
21 and services provided to recipients of Medical Assistance under  
22 this Article. The Illinois Department shall require health care  
23 providers to make available, when authorized by the patient, in  
24 writing, the medical records in a timely fashion to other  
25 health care providers who are treating or serving persons  
26 eligible for Medical Assistance under this Article. All

1 dispensers of medical services shall be required to maintain  
2 and retain business and professional records sufficient to  
3 fully and accurately document the nature, scope, details and  
4 receipt of the health care provided to persons eligible for  
5 medical assistance under this Code, in accordance with  
6 regulations promulgated by the Illinois Department. The rules  
7 and regulations shall require that proof of the receipt of  
8 prescription drugs, dentures, prosthetic devices and  
9 eyeglasses by eligible persons under this Section accompany  
10 each claim for reimbursement submitted by the dispenser of such  
11 medical services. No such claims for reimbursement shall be  
12 approved for payment by the Illinois Department without such  
13 proof of receipt, unless the Illinois Department shall have put  
14 into effect and shall be operating a system of post-payment  
15 audit and review which shall, on a sampling basis, be deemed  
16 adequate by the Illinois Department to assure that such drugs,  
17 dentures, prosthetic devices and eyeglasses for which payment  
18 is being made are actually being received by eligible  
19 recipients. Within 90 days after the effective date of this  
20 amendatory Act of 1984, the Illinois Department shall establish  
21 a current list of acquisition costs for all prosthetic devices  
22 and any other items recognized as medical equipment and  
23 supplies reimbursable under this Article and shall update such  
24 list on a quarterly basis, except that the acquisition costs of  
25 all prescription drugs shall be updated no less frequently than  
26 every 30 days as required by Section 5-5.12.

1           The rules and regulations of the Illinois Department shall  
2 require that a written statement including the required opinion  
3 of a physician shall accompany any claim for reimbursement for  
4 abortions, or induced miscarriages or premature births. This  
5 statement shall indicate what procedures were used in providing  
6 such medical services.

7           The Illinois Department shall require all dispensers of  
8 medical services, other than an individual practitioner or  
9 group of practitioners, desiring to participate in the Medical  
10 Assistance program established under this Article to disclose  
11 all financial, beneficial, ownership, equity, surety or other  
12 interests in any and all firms, corporations, partnerships,  
13 associations, business enterprises, joint ventures, agencies,  
14 institutions or other legal entities providing any form of  
15 health care services in this State under this Article.

16           The Illinois Department may require that all dispensers of  
17 medical services desiring to participate in the medical  
18 assistance program established under this Article disclose,  
19 under such terms and conditions as the Illinois Department may  
20 by rule establish, all inquiries from clients and attorneys  
21 regarding medical bills paid by the Illinois Department, which  
22 inquiries could indicate potential existence of claims or liens  
23 for the Illinois Department.

24           Enrollment of a vendor that provides non-emergency medical  
25 transportation, defined by the Department by rule, shall be  
26 conditional for 180 days. During that time, the Department of

1 Healthcare and Family Services may terminate the vendor's  
2 eligibility to participate in the medical assistance program  
3 without cause. That termination of eligibility is not subject  
4 to the Department's hearing process.

5 The Illinois Department shall establish policies,  
6 procedures, standards and criteria by rule for the acquisition,  
7 repair and replacement of orthotic and prosthetic devices and  
8 durable medical equipment. Such rules shall provide, but not be  
9 limited to, the following services: (1) immediate repair or  
10 replacement of such devices by recipients without medical  
11 authorization; and (2) rental, lease, purchase or  
12 lease-purchase of durable medical equipment in a  
13 cost-effective manner, taking into consideration the  
14 recipient's medical prognosis, the extent of the recipient's  
15 needs, and the requirements and costs for maintaining such  
16 equipment. Such rules shall enable a recipient to temporarily  
17 acquire and use alternative or substitute devices or equipment  
18 pending repairs or replacements of any device or equipment  
19 previously authorized for such recipient by the Department.

20 The Department shall execute, relative to the nursing home  
21 prescreening project, written inter-agency agreements with the  
22 Department of Human Services and the Department on Aging, to  
23 effect the following: (i) intake procedures and common  
24 eligibility criteria for those persons who are receiving  
25 non-institutional services; and (ii) the establishment and  
26 development of non-institutional services in areas of the State

1 where they are not currently available or are undeveloped.

2 The Illinois Department shall develop and operate, in  
3 cooperation with other State Departments and agencies and in  
4 compliance with applicable federal laws and regulations,  
5 appropriate and effective systems of health care evaluation and  
6 programs for monitoring of utilization of health care services  
7 and facilities, as it affects persons eligible for medical  
8 assistance under this Code.

9 The Illinois Department shall report annually to the  
10 General Assembly, no later than the second Friday in April of  
11 1979 and each year thereafter, in regard to:

12 (a) actual statistics and trends in utilization of  
13 medical services by public aid recipients;

14 (b) actual statistics and trends in the provision of  
15 the various medical services by medical vendors;

16 (c) current rate structures and proposed changes in  
17 those rate structures for the various medical vendors; and

18 (d) efforts at utilization review and control by the  
19 Illinois Department.

20 The period covered by each report shall be the 3 years  
21 ending on the June 30 prior to the report. The report shall  
22 include suggested legislation for consideration by the General  
23 Assembly. The filing of one copy of the report with the  
24 Speaker, one copy with the Minority Leader and one copy with  
25 the Clerk of the House of Representatives, one copy with the  
26 President, one copy with the Minority Leader and one copy with

1 the Secretary of the Senate, one copy with the Legislative  
2 Research Unit, and such additional copies with the State  
3 Government Report Distribution Center for the General Assembly  
4 as is required under paragraph (t) of Section 7 of the State  
5 Library Act shall be deemed sufficient to comply with this  
6 Section.

7 Rulemaking authority to implement Public Act 95-1045 ~~this~~  
8 ~~amendatory Act of the 95th General Assembly~~, if any, is  
9 conditioned on the rules being adopted in accordance with all  
10 provisions of the Illinois Administrative Procedure Act and all  
11 rules and procedures of the Joint Committee on Administrative  
12 Rules; any purported rule not so adopted, for whatever reason,  
13 is unauthorized.

14 (Source: P.A. 95-331, eff. 8-21-07; 95-520, eff. 8-28-07;  
15 95-1045, eff. 3-27-09; 96-156, eff. 1-1-10; revised 11-4-09.)

16 (Text of Section after amendment by P.A. 96-806)

17 Sec. 5-5. Medical services. The Illinois Department, by  
18 rule, shall determine the quantity and quality of and the rate  
19 of reimbursement for the medical assistance for which payment  
20 will be authorized, and the medical services to be provided,  
21 which may include all or part of the following: (1) inpatient  
22 hospital services; (2) outpatient hospital services; (3) other  
23 laboratory and X-ray services; (4) skilled nursing home  
24 services; (5) physicians' services whether furnished in the  
25 office, the patient's home, a hospital, a skilled nursing home,

1 or elsewhere; (6) medical care, or any other type of remedial  
2 care furnished by licensed practitioners; (7) home health care  
3 services; (8) private duty nursing service; (9) clinic  
4 services; (10) dental services, including prevention and  
5 treatment of periodontal disease and dental caries disease for  
6 pregnant women, provided by an individual licensed to practice  
7 dentistry or dental surgery; for purposes of this item (10),  
8 "dental services" means diagnostic, preventive, or corrective  
9 procedures provided by or under the supervision of a dentist in  
10 the practice of his or her profession; (11) physical therapy  
11 and related services; (12) prescribed drugs, dentures, and  
12 prosthetic devices; and eyeglasses prescribed by a physician  
13 skilled in the diseases of the eye, or by an optometrist,  
14 whichever the person may select; (13) other diagnostic,  
15 screening, preventive, and rehabilitative services; (14)  
16 transportation and such other expenses as may be necessary;  
17 (15) medical treatment of sexual assault survivors, as defined  
18 in Section 1a of the Sexual Assault Survivors Emergency  
19 Treatment Act, for injuries sustained as a result of the sexual  
20 assault, including examinations and laboratory tests to  
21 discover evidence which may be used in criminal proceedings  
22 arising from the sexual assault; (16) the diagnosis and  
23 treatment of sickle cell anemia; and (17) any other medical  
24 care, and any other type of remedial care recognized under the  
25 laws of this State, but not including abortions, or induced  
26 miscarriages or premature births, unless, in the opinion of a

1 physician, such procedures are necessary for the preservation  
2 of the life of the woman seeking such treatment, or except an  
3 induced premature birth intended to produce a live viable child  
4 and such procedure is necessary for the health of the mother or  
5 her unborn child. The Illinois Department, by rule, shall  
6 prohibit any physician from providing medical assistance to  
7 anyone eligible therefor under this Code where such physician  
8 has been found guilty of performing an abortion procedure in a  
9 wilful and wanton manner upon a woman who was not pregnant at  
10 the time such abortion procedure was performed. The term "any  
11 other type of remedial care" shall include nursing care and  
12 nursing home service for persons who rely on treatment by  
13 spiritual means alone through prayer for healing.

14 Notwithstanding any other provision of this Section, a  
15 comprehensive tobacco use cessation program that includes  
16 purchasing prescription drugs or prescription medical devices  
17 approved by the Food and Drug administration shall be covered  
18 under the medical assistance program under this Article for  
19 persons who are otherwise eligible for assistance under this  
20 Article.

21 Notwithstanding any other provision of this Code, the  
22 Illinois Department may not require, as a condition of payment  
23 for any laboratory test authorized under this Article, that a  
24 physician's handwritten signature appear on the laboratory  
25 test order form. The Illinois Department may, however, impose  
26 other appropriate requirements regarding laboratory test order

1 documentation.

2 The Department of Healthcare and Family Services shall  
3 provide the following services to persons eligible for  
4 assistance under this Article who are participating in  
5 education, training or employment programs operated by the  
6 Department of Human Services as successor to the Department of  
7 Public Aid:

8 (1) dental services provided by or under the  
9 supervision of a dentist; and

10 (2) eyeglasses prescribed by a physician skilled in the  
11 diseases of the eye, or by an optometrist, whichever the  
12 person may select.

13 The Illinois Department, by rule, may distinguish and  
14 classify the medical services to be provided only in accordance  
15 with the classes of persons designated in Section 5-2.

16 The Department of Healthcare and Family Services must  
17 provide coverage and reimbursement for amino acid-based  
18 elemental formulas, regardless of delivery method, for the  
19 diagnosis and treatment of (i) eosinophilic disorders and (ii)  
20 short bowel syndrome when the prescribing physician has issued  
21 a written order stating that the amino acid-based elemental  
22 formula is medically necessary.

23 The Illinois Department shall authorize the provision of,  
24 and shall authorize payment for, screening by low-dose  
25 mammography for the presence of occult breast cancer for women  
26 35 years of age or older who are eligible for medical

1 assistance under this Article, as follows:

2 (A) A baseline mammogram for women 35 to 39 years of  
3 age.

4 (B) An annual mammogram for women 40 years of age or  
5 older.

6 (C) A mammogram at the age and intervals considered  
7 medically necessary by the woman's health care provider for  
8 women under 40 years of age and having a family history of  
9 breast cancer, prior personal history of breast cancer,  
10 positive genetic testing, or other risk factors.

11 (D) A comprehensive ultrasound screening of an entire  
12 breast or breasts if a mammogram demonstrates  
13 heterogeneous or dense breast tissue, when medically  
14 necessary as determined by a physician licensed to practice  
15 medicine in all of its branches.

16 All screenings shall include a physical breast exam,  
17 instruction on self-examination and information regarding the  
18 frequency of self-examination and its value as a preventative  
19 tool. For purposes of this Section, "low-dose mammography"  
20 means the x-ray examination of the breast using equipment  
21 dedicated specifically for mammography, including the x-ray  
22 tube, filter, compression device, and image receptor, with an  
23 average radiation exposure delivery of less than one rad per  
24 breast for 2 views of an average size breast. The term also  
25 includes digital mammography.

26 On and after July 1, 2008, screening and diagnostic

1 mammography shall be reimbursed at the same rate as the  
2 Medicare program's rates, including the increased  
3 reimbursement for digital mammography.

4 The Department shall convene an expert panel including  
5 representatives of hospitals, free-standing mammography  
6 facilities, and doctors, including radiologists, to establish  
7 quality standards. Based on these quality standards, the  
8 Department shall provide for bonus payments to mammography  
9 facilities meeting the standards for screening and diagnosis.  
10 The bonus payments shall be at least 15% higher than the  
11 Medicare rates for mammography.

12 Subject to federal approval, the Department shall  
13 establish a rate methodology for mammography at federally  
14 qualified health centers and other encounter-rate clinics.  
15 These clinics or centers may also collaborate with other  
16 hospital-based mammography facilities.

17 The Department shall establish a methodology to remind  
18 women who are age-appropriate for screening mammography, but  
19 who have not received a mammogram within the previous 18  
20 months, of the importance and benefit of screening mammography.

21 The Department shall establish a performance goal for  
22 primary care providers with respect to their female patients  
23 over age 40 receiving an annual mammogram. This performance  
24 goal shall be used to provide additional reimbursement in the  
25 form of a quality performance bonus to primary care providers  
26 who meet that goal.

1           The Department shall devise a means of case-managing or  
2 patient navigation for beneficiaries diagnosed with breast  
3 cancer. This program shall initially operate as a pilot program  
4 in areas of the State with the highest incidence of mortality  
5 related to breast cancer. At least one pilot program site shall  
6 be in the metropolitan Chicago area and at least one site shall  
7 be outside the metropolitan Chicago area. An evaluation of the  
8 pilot program shall be carried out measuring health outcomes  
9 and cost of care for those served by the pilot program compared  
10 to similarly situated patients who are not served by the pilot  
11 program.

12           Any medical or health care provider shall immediately  
13 recommend, to any pregnant woman who is being provided prenatal  
14 services and is suspected of drug abuse or is addicted as  
15 defined in the Alcoholism and Other Drug Abuse and Dependency  
16 Act, referral to a local substance abuse treatment provider  
17 licensed by the Department of Human Services or to a licensed  
18 hospital which provides substance abuse treatment services.  
19 The Department of Healthcare and Family Services shall assure  
20 coverage for the cost of treatment of the drug abuse or  
21 addiction for pregnant recipients in accordance with the  
22 Illinois Medicaid Program in conjunction with the Department of  
23 Human Services.

24           All medical providers providing medical assistance to  
25 pregnant women under this Code shall receive information from  
26 the Department on the availability of services under the Drug

1 Free Families with a Future or any comparable program providing  
2 case management services for addicted women, including  
3 information on appropriate referrals for other social services  
4 that may be needed by addicted women in addition to treatment  
5 for addiction.

6 The Illinois Department, in cooperation with the  
7 Departments of Human Services (as successor to the Department  
8 of Alcoholism and Substance Abuse) and Public Health, through a  
9 public awareness campaign, may provide information concerning  
10 treatment for alcoholism and drug abuse and addiction, prenatal  
11 health care, and other pertinent programs directed at reducing  
12 the number of drug-affected infants born to recipients of  
13 medical assistance.

14 Neither the Department of Healthcare and Family Services  
15 nor the Department of Human Services shall sanction the  
16 recipient solely on the basis of her substance abuse.

17 The Illinois Department shall establish such regulations  
18 governing the dispensing of health services under this Article  
19 as it shall deem appropriate. The Department should seek the  
20 advice of formal professional advisory committees appointed by  
21 the Director of the Illinois Department for the purpose of  
22 providing regular advice on policy and administrative matters,  
23 information dissemination and educational activities for  
24 medical and health care providers, and consistency in  
25 procedures to the Illinois Department.

26 Notwithstanding any other provision of law, a health care

1 provider under the medical assistance program may elect, in  
2 lieu of receiving direct payment for services provided under  
3 that program, to participate in the State Employees Deferred  
4 Compensation Plan adopted under Article 24 of the Illinois  
5 Pension Code. A health care provider who elects to participate  
6 in the plan does not have a cause of action against the State  
7 for any damages allegedly suffered by the provider as a result  
8 of any delay by the State in crediting the amount of any  
9 contribution to the provider's plan account.

10 The Illinois Department may develop and contract with  
11 Partnerships of medical providers to arrange medical services  
12 for persons eligible under Section 5-2 of this Code.  
13 Implementation of this Section may be by demonstration projects  
14 in certain geographic areas. The Partnership shall be  
15 represented by a sponsor organization. The Department, by rule,  
16 shall develop qualifications for sponsors of Partnerships.  
17 Nothing in this Section shall be construed to require that the  
18 sponsor organization be a medical organization.

19 The sponsor must negotiate formal written contracts with  
20 medical providers for physician services, inpatient and  
21 outpatient hospital care, home health services, treatment for  
22 alcoholism and substance abuse, and other services determined  
23 necessary by the Illinois Department by rule for delivery by  
24 Partnerships. Physician services must include prenatal and  
25 obstetrical care. The Illinois Department shall reimburse  
26 medical services delivered by Partnership providers to clients

1 in target areas according to provisions of this Article and the  
2 Illinois Health Finance Reform Act, except that:

3 (1) Physicians participating in a Partnership and  
4 providing certain services, which shall be determined by  
5 the Illinois Department, to persons in areas covered by the  
6 Partnership may receive an additional surcharge for such  
7 services.

8 (2) The Department may elect to consider and negotiate  
9 financial incentives to encourage the development of  
10 Partnerships and the efficient delivery of medical care.

11 (3) Persons receiving medical services through  
12 Partnerships may receive medical and case management  
13 services above the level usually offered through the  
14 medical assistance program.

15 Medical providers shall be required to meet certain  
16 qualifications to participate in Partnerships to ensure the  
17 delivery of high quality medical services. These  
18 qualifications shall be determined by rule of the Illinois  
19 Department and may be higher than qualifications for  
20 participation in the medical assistance program. Partnership  
21 sponsors may prescribe reasonable additional qualifications  
22 for participation by medical providers, only with the prior  
23 written approval of the Illinois Department.

24 Nothing in this Section shall limit the free choice of  
25 practitioners, hospitals, and other providers of medical  
26 services by clients. In order to ensure patient freedom of

1 choice, the Illinois Department shall immediately promulgate  
2 all rules and take all other necessary actions so that provided  
3 services may be accessed from therapeutically certified  
4 optometrists to the full extent of the Illinois Optometric  
5 Practice Act of 1987 without discriminating between service  
6 providers.

7 The Department shall apply for a waiver from the United  
8 States Health Care Financing Administration to allow for the  
9 implementation of Partnerships under this Section.

10 The Illinois Department shall require health care  
11 providers to maintain records that document the medical care  
12 and services provided to recipients of Medical Assistance under  
13 this Article. The Illinois Department shall require health care  
14 providers to make available, when authorized by the patient, in  
15 writing, the medical records in a timely fashion to other  
16 health care providers who are treating or serving persons  
17 eligible for Medical Assistance under this Article. All  
18 dispensers of medical services shall be required to maintain  
19 and retain business and professional records sufficient to  
20 fully and accurately document the nature, scope, details and  
21 receipt of the health care provided to persons eligible for  
22 medical assistance under this Code, in accordance with  
23 regulations promulgated by the Illinois Department. The rules  
24 and regulations shall require that proof of the receipt of  
25 prescription drugs, dentures, prosthetic devices and  
26 eyeglasses by eligible persons under this Section accompany

1 each claim for reimbursement submitted by the dispenser of such  
2 medical services. No such claims for reimbursement shall be  
3 approved for payment by the Illinois Department without such  
4 proof of receipt, unless the Illinois Department shall have put  
5 into effect and shall be operating a system of post-payment  
6 audit and review which shall, on a sampling basis, be deemed  
7 adequate by the Illinois Department to assure that such drugs,  
8 dentures, prosthetic devices and eyeglasses for which payment  
9 is being made are actually being received by eligible  
10 recipients. Within 90 days after the effective date of this  
11 amendatory Act of 1984, the Illinois Department shall establish  
12 a current list of acquisition costs for all prosthetic devices  
13 and any other items recognized as medical equipment and  
14 supplies reimbursable under this Article and shall update such  
15 list on a quarterly basis, except that the acquisition costs of  
16 all prescription drugs shall be updated no less frequently than  
17 every 30 days as required by Section 5-5.12.

18 The rules and regulations of the Illinois Department shall  
19 require that a written statement including the required opinion  
20 of a physician shall accompany any claim for reimbursement for  
21 abortions, or induced miscarriages or premature births. This  
22 statement shall indicate what procedures were used in providing  
23 such medical services.

24 The Illinois Department shall require all dispensers of  
25 medical services, other than an individual practitioner or  
26 group of practitioners, desiring to participate in the Medical

1 Assistance program established under this Article to disclose  
2 all financial, beneficial, ownership, equity, surety or other  
3 interests in any and all firms, corporations, partnerships,  
4 associations, business enterprises, joint ventures, agencies,  
5 institutions or other legal entities providing any form of  
6 health care services in this State under this Article.

7 The Illinois Department may require that all dispensers of  
8 medical services desiring to participate in the medical  
9 assistance program established under this Article disclose,  
10 under such terms and conditions as the Illinois Department may  
11 by rule establish, all inquiries from clients and attorneys  
12 regarding medical bills paid by the Illinois Department, which  
13 inquiries could indicate potential existence of claims or liens  
14 for the Illinois Department.

15 Enrollment of a vendor that provides non-emergency medical  
16 transportation, defined by the Department by rule, shall be  
17 conditional for 180 days. During that time, the Department of  
18 Healthcare and Family Services may terminate the vendor's  
19 eligibility to participate in the medical assistance program  
20 without cause. That termination of eligibility is not subject  
21 to the Department's hearing process.

22 The Illinois Department shall establish policies,  
23 procedures, standards and criteria by rule for the acquisition,  
24 repair and replacement of orthotic and prosthetic devices and  
25 durable medical equipment. Such rules shall provide, but not be  
26 limited to, the following services: (1) immediate repair or

1 replacement of such devices by recipients without medical  
2 authorization; and (2) rental, lease, purchase or  
3 lease-purchase of durable medical equipment in a  
4 cost-effective manner, taking into consideration the  
5 recipient's medical prognosis, the extent of the recipient's  
6 needs, and the requirements and costs for maintaining such  
7 equipment. Such rules shall enable a recipient to temporarily  
8 acquire and use alternative or substitute devices or equipment  
9 pending repairs or replacements of any device or equipment  
10 previously authorized for such recipient by the Department.

11 The Department shall execute, relative to the nursing home  
12 prescreening project, written inter-agency agreements with the  
13 Department of Human Services and the Department on Aging, to  
14 effect the following: (i) intake procedures and common  
15 eligibility criteria for those persons who are receiving  
16 non-institutional services; and (ii) the establishment and  
17 development of non-institutional services in areas of the State  
18 where they are not currently available or are undeveloped.

19 The Illinois Department shall develop and operate, in  
20 cooperation with other State Departments and agencies and in  
21 compliance with applicable federal laws and regulations,  
22 appropriate and effective systems of health care evaluation and  
23 programs for monitoring of utilization of health care services  
24 and facilities, as it affects persons eligible for medical  
25 assistance under this Code.

26 The Illinois Department shall report annually to the

1 General Assembly, no later than the second Friday in April of  
2 1979 and each year thereafter, in regard to:

3 (a) actual statistics and trends in utilization of  
4 medical services by public aid recipients;

5 (b) actual statistics and trends in the provision of  
6 the various medical services by medical vendors;

7 (c) current rate structures and proposed changes in  
8 those rate structures for the various medical vendors; and

9 (d) efforts at utilization review and control by the  
10 Illinois Department.

11 The period covered by each report shall be the 3 years  
12 ending on the June 30 prior to the report. The report shall  
13 include suggested legislation for consideration by the General  
14 Assembly. The filing of one copy of the report with the  
15 Speaker, one copy with the Minority Leader and one copy with  
16 the Clerk of the House of Representatives, one copy with the  
17 President, one copy with the Minority Leader and one copy with  
18 the Secretary of the Senate, one copy with the Legislative  
19 Research Unit, and such additional copies with the State  
20 Government Report Distribution Center for the General Assembly  
21 as is required under paragraph (t) of Section 7 of the State  
22 Library Act shall be deemed sufficient to comply with this  
23 Section.

24 Rulemaking authority to implement Public Act 95-1045 ~~this~~  
25 ~~amendatory Act of the 95th General Assembly~~, if any, is  
26 conditioned on the rules being adopted in accordance with all

1 provisions of the Illinois Administrative Procedure Act and all  
2 rules and procedures of the Joint Committee on Administrative  
3 Rules; any purported rule not so adopted, for whatever reason,  
4 is unauthorized.

5 (Source: P.A. 95-331, eff. 8-21-07; 95-520, eff. 8-28-07;  
6 95-1045, eff. 3-27-09; 96-156, eff. 1-1-10; 96-806, eff.  
7 7-1-10; revised 11-4-09.)

8 (305 ILCS 5/5-5.4) (from Ch. 23, par. 5-5.4)

9 (Text of Section before amendment by P.A. 96-339)

10 Sec. 5-5.4. Standards of Payment - Department of Healthcare  
11 and Family Services. The Department of Healthcare and Family  
12 Services shall develop standards of payment of skilled nursing  
13 and intermediate care services in facilities providing such  
14 services under this Article which:

15 (1) Provide for the determination of a facility's payment  
16 for skilled nursing and intermediate care services on a  
17 prospective basis. The amount of the payment rate for all  
18 nursing facilities certified by the Department of Public Health  
19 under the Nursing Home Care Act as Intermediate Care for the  
20 Developmentally Disabled facilities, Long Term Care for Under  
21 Age 22 facilities, Skilled Nursing facilities, or Intermediate  
22 Care facilities under the medical assistance program shall be  
23 prospectively established annually on the basis of historical,  
24 financial, and statistical data reflecting actual costs from  
25 prior years, which shall be applied to the current rate year

1 and updated for inflation, except that the capital cost element  
2 for newly constructed facilities shall be based upon projected  
3 budgets. The annually established payment rate shall take  
4 effect on July 1 in 1984 and subsequent years. No rate increase  
5 and no update for inflation shall be provided on or after July  
6 1, 1994 and before July 1, 2010, unless specifically provided  
7 for in this Section. The changes made by Public Act 93-841  
8 extending the duration of the prohibition against a rate  
9 increase or update for inflation are effective retroactive to  
10 July 1, 2004.

11 For facilities licensed by the Department of Public Health  
12 under the Nursing Home Care Act as Intermediate Care for the  
13 Developmentally Disabled facilities or Long Term Care for Under  
14 Age 22 facilities, the rates taking effect on July 1, 1998  
15 shall include an increase of 3%. For facilities licensed by the  
16 Department of Public Health under the Nursing Home Care Act as  
17 Skilled Nursing facilities or Intermediate Care facilities,  
18 the rates taking effect on July 1, 1998 shall include an  
19 increase of 3% plus \$1.10 per resident-day, as defined by the  
20 Department. For facilities licensed by the Department of Public  
21 Health under the Nursing Home Care Act as Intermediate Care  
22 Facilities for the Developmentally Disabled or Long Term Care  
23 for Under Age 22 facilities, the rates taking effect on January  
24 1, 2006 shall include an increase of 3%. For facilities  
25 licensed by the Department of Public Health under the Nursing  
26 Home Care Act as Intermediate Care Facilities for the

1 Developmentally Disabled or Long Term Care for Under Age 22  
2 facilities, the rates taking effect on January 1, 2009 shall  
3 include an increase sufficient to provide a \$0.50 per hour wage  
4 increase for non-executive staff.

5 For facilities licensed by the Department of Public Health  
6 under the Nursing Home Care Act as Intermediate Care for the  
7 Developmentally Disabled facilities or Long Term Care for Under  
8 Age 22 facilities, the rates taking effect on July 1, 1999  
9 shall include an increase of 1.6% plus \$3.00 per resident-day,  
10 as defined by the Department. For facilities licensed by the  
11 Department of Public Health under the Nursing Home Care Act as  
12 Skilled Nursing facilities or Intermediate Care facilities,  
13 the rates taking effect on July 1, 1999 shall include an  
14 increase of 1.6% and, for services provided on or after October  
15 1, 1999, shall be increased by \$4.00 per resident-day, as  
16 defined by the Department.

17 For facilities licensed by the Department of Public Health  
18 under the Nursing Home Care Act as Intermediate Care for the  
19 Developmentally Disabled facilities or Long Term Care for Under  
20 Age 22 facilities, the rates taking effect on July 1, 2000  
21 shall include an increase of 2.5% per resident-day, as defined  
22 by the Department. For facilities licensed by the Department of  
23 Public Health under the Nursing Home Care Act as Skilled  
24 Nursing facilities or Intermediate Care facilities, the rates  
25 taking effect on July 1, 2000 shall include an increase of 2.5%  
26 per resident-day, as defined by the Department.

1           For facilities licensed by the Department of Public Health  
2 under the Nursing Home Care Act as skilled nursing facilities  
3 or intermediate care facilities, a new payment methodology must  
4 be implemented for the nursing component of the rate effective  
5 July 1, 2003. The Department of Public Aid (now Healthcare and  
6 Family Services) shall develop the new payment methodology  
7 using the Minimum Data Set (MDS) as the instrument to collect  
8 information concerning nursing home resident condition  
9 necessary to compute the rate. The Department shall develop the  
10 new payment methodology to meet the unique needs of Illinois  
11 nursing home residents while remaining subject to the  
12 appropriations provided by the General Assembly. A transition  
13 period from the payment methodology in effect on June 30, 2003  
14 to the payment methodology in effect on July 1, 2003 shall be  
15 provided for a period not exceeding 3 years and 184 days after  
16 implementation of the new payment methodology as follows:

17           (A) For a facility that would receive a lower nursing  
18 component rate per patient day under the new system than  
19 the facility received effective on the date immediately  
20 preceding the date that the Department implements the new  
21 payment methodology, the nursing component rate per  
22 patient day for the facility shall be held at the level in  
23 effect on the date immediately preceding the date that the  
24 Department implements the new payment methodology until a  
25 higher nursing component rate of reimbursement is achieved  
26 by that facility.

1           (B) For a facility that would receive a higher nursing  
2           component rate per patient day under the payment  
3           methodology in effect on July 1, 2003 than the facility  
4           received effective on the date immediately preceding the  
5           date that the Department implements the new payment  
6           methodology, the nursing component rate per patient day for  
7           the facility shall be adjusted.

8           (C) Notwithstanding paragraphs (A) and (B), the  
9           nursing component rate per patient day for the facility  
10          shall be adjusted subject to appropriations provided by the  
11          General Assembly.

12          For facilities licensed by the Department of Public Health  
13          under the Nursing Home Care Act as Intermediate Care for the  
14          Developmentally Disabled facilities or Long Term Care for Under  
15          Age 22 facilities, the rates taking effect on March 1, 2001  
16          shall include a statewide increase of 7.85%, as defined by the  
17          Department.

18          Notwithstanding any other provision of this Section, for  
19          facilities licensed by the Department of Public Health under  
20          the Nursing Home Care Act as skilled nursing facilities or  
21          intermediate care facilities, the numerator of the ratio used  
22          by the Department of Healthcare and Family Services to compute  
23          the rate payable under this Section using the Minimum Data Set  
24          (MDS) methodology shall incorporate the following annual  
25          amounts as the additional funds appropriated to the Department  
26          specifically to pay for rates based on the MDS nursing

1 component methodology in excess of the funding in effect on  
2 December 31, 2006:

3 (i) For rates taking effect January 1, 2007,  
4 \$60,000,000.

5 (ii) For rates taking effect January 1, 2008,  
6 \$110,000,000.

7 (iii) For rates taking effect January 1, 2009,  
8 \$194,000,000.

9 Notwithstanding any other provision of this Section, for  
10 facilities licensed by the Department of Public Health under  
11 the Nursing Home Care Act as skilled nursing facilities or  
12 intermediate care facilities, the support component of the  
13 rates taking effect on January 1, 2008 shall be computed using  
14 the most recent cost reports on file with the Department of  
15 Healthcare and Family Services no later than April 1, 2005,  
16 updated for inflation to January 1, 2006.

17 For facilities licensed by the Department of Public Health  
18 under the Nursing Home Care Act as Intermediate Care for the  
19 Developmentally Disabled facilities or Long Term Care for Under  
20 Age 22 facilities, the rates taking effect on April 1, 2002  
21 shall include a statewide increase of 2.0%, as defined by the  
22 Department. This increase terminates on July 1, 2002; beginning  
23 July 1, 2002 these rates are reduced to the level of the rates  
24 in effect on March 31, 2002, as defined by the Department.

25 For facilities licensed by the Department of Public Health  
26 under the Nursing Home Care Act as skilled nursing facilities

1 or intermediate care facilities, the rates taking effect on  
2 July 1, 2001 shall be computed using the most recent cost  
3 reports on file with the Department of Public Aid no later than  
4 April 1, 2000, updated for inflation to January 1, 2001. For  
5 rates effective July 1, 2001 only, rates shall be the greater  
6 of the rate computed for July 1, 2001 or the rate effective on  
7 June 30, 2001.

8 Notwithstanding any other provision of this Section, for  
9 facilities licensed by the Department of Public Health under  
10 the Nursing Home Care Act as skilled nursing facilities or  
11 intermediate care facilities, the Illinois Department shall  
12 determine by rule the rates taking effect on July 1, 2002,  
13 which shall be 5.9% less than the rates in effect on June 30,  
14 2002.

15 Notwithstanding any other provision of this Section, for  
16 facilities licensed by the Department of Public Health under  
17 the Nursing Home Care Act as skilled nursing facilities or  
18 intermediate care facilities, if the payment methodologies  
19 required under Section 5A-12 and the waiver granted under 42  
20 CFR 433.68 are approved by the United States Centers for  
21 Medicare and Medicaid Services, the rates taking effect on July  
22 1, 2004 shall be 3.0% greater than the rates in effect on June  
23 30, 2004. These rates shall take effect only upon approval and  
24 implementation of the payment methodologies required under  
25 Section 5A-12.

26 Notwithstanding any other provisions of this Section, for

1 facilities licensed by the Department of Public Health under  
2 the Nursing Home Care Act as skilled nursing facilities or  
3 intermediate care facilities, the rates taking effect on  
4 January 1, 2005 shall be 3% more than the rates in effect on  
5 December 31, 2004.

6 Notwithstanding any other provision of this Section, for  
7 facilities licensed by the Department of Public Health under  
8 the Nursing Home Care Act as skilled nursing facilities or  
9 intermediate care facilities, effective January 1, 2009, the  
10 per diem support component of the rates effective on January 1,  
11 2008, computed using the most recent cost reports on file with  
12 the Department of Healthcare and Family Services no later than  
13 April 1, 2005, updated for inflation to January 1, 2006, shall  
14 be increased to the amount that would have been derived using  
15 standard Department of Healthcare and Family Services methods,  
16 procedures, and inflators.

17 Notwithstanding any other provisions of this Section, for  
18 facilities licensed by the Department of Public Health under  
19 the Nursing Home Care Act as intermediate care facilities that  
20 are federally defined as Institutions for Mental Disease, a  
21 socio-development component rate equal to 6.6% of the  
22 facility's nursing component rate as of January 1, 2006 shall  
23 be established and paid effective July 1, 2006. The  
24 socio-development component of the rate shall be increased by a  
25 factor of 2.53 on the first day of the month that begins at  
26 least 45 days after January 11, 2008 (the effective date of

1 Public Act 95-707). As of August 1, 2008, the socio-development  
2 component rate shall be equal to 6.6% of the facility's nursing  
3 component rate as of January 1, 2006, multiplied by a factor of  
4 3.53. The Illinois Department may by rule adjust these  
5 socio-development component rates, but in no case may such  
6 rates be diminished.

7 For facilities licensed by the Department of Public Health  
8 under the Nursing Home Care Act as Intermediate Care for the  
9 Developmentally Disabled facilities or as long-term care  
10 facilities for residents under 22 years of age, the rates  
11 taking effect on July 1, 2003 shall include a statewide  
12 increase of 4%, as defined by the Department.

13 For facilities licensed by the Department of Public Health  
14 under the Nursing Home Care Act as Intermediate Care for the  
15 Developmentally Disabled facilities or Long Term Care for Under  
16 Age 22 facilities, the rates taking effect on the first day of  
17 the month that begins at least 45 days after the effective date  
18 of this amendatory Act of the 95th General Assembly shall  
19 include a statewide increase of 2.5%, as defined by the  
20 Department.

21 Notwithstanding any other provision of this Section, for  
22 facilities licensed by the Department of Public Health under  
23 the Nursing Home Care Act as skilled nursing facilities or  
24 intermediate care facilities, effective January 1, 2005,  
25 facility rates shall be increased by the difference between (i)  
26 a facility's per diem property, liability, and malpractice

1 insurance costs as reported in the cost report filed with the  
2 Department of Public Aid and used to establish rates effective  
3 July 1, 2001 and (ii) those same costs as reported in the  
4 facility's 2002 cost report. These costs shall be passed  
5 through to the facility without caps or limitations, except for  
6 adjustments required under normal auditing procedures.

7 Rates established effective each July 1 shall govern  
8 payment for services rendered throughout that fiscal year,  
9 except that rates established on July 1, 1996 shall be  
10 increased by 6.8% for services provided on or after January 1,  
11 1997. Such rates will be based upon the rates calculated for  
12 the year beginning July 1, 1990, and for subsequent years  
13 thereafter until June 30, 2001 shall be based on the facility  
14 cost reports for the facility fiscal year ending at any point  
15 in time during the previous calendar year, updated to the  
16 midpoint of the rate year. The cost report shall be on file  
17 with the Department no later than April 1 of the current rate  
18 year. Should the cost report not be on file by April 1, the  
19 Department shall base the rate on the latest cost report filed  
20 by each skilled care facility and intermediate care facility,  
21 updated to the midpoint of the current rate year. In  
22 determining rates for services rendered on and after July 1,  
23 1985, fixed time shall not be computed at less than zero. The  
24 Department shall not make any alterations of regulations which  
25 would reduce any component of the Medicaid rate to a level  
26 below what that component would have been utilizing in the rate

1 effective on July 1, 1984.

2 (2) Shall take into account the actual costs incurred by  
3 facilities in providing services for recipients of skilled  
4 nursing and intermediate care services under the medical  
5 assistance program.

6 (3) Shall take into account the medical and psycho-social  
7 characteristics and needs of the patients.

8 (4) Shall take into account the actual costs incurred by  
9 facilities in meeting licensing and certification standards  
10 imposed and prescribed by the State of Illinois, any of its  
11 political subdivisions or municipalities and by the U.S.  
12 Department of Health and Human Services pursuant to Title XIX  
13 of the Social Security Act.

14 The Department of Healthcare and Family Services shall  
15 develop precise standards for payments to reimburse nursing  
16 facilities for any utilization of appropriate rehabilitative  
17 personnel for the provision of rehabilitative services which is  
18 authorized by federal regulations, including reimbursement for  
19 services provided by qualified therapists or qualified  
20 assistants, and which is in accordance with accepted  
21 professional practices. Reimbursement also may be made for  
22 utilization of other supportive personnel under appropriate  
23 supervision.

24 (Source: P.A. 95-12, eff. 7-2-07; 95-331, eff. 8-21-07; 95-707,  
25 eff. 1-11-08; 95-744, eff. 7-18-08; 96-45, eff. 7-15-09.)

1 (Text of Section after amendment by P.A. 96-339)

2 Sec. 5-5.4. Standards of Payment - Department of Healthcare  
3 and Family Services. The Department of Healthcare and Family  
4 Services shall develop standards of payment of skilled nursing  
5 and intermediate care services in facilities providing such  
6 services under this Article which:

7 (1) Provide for the determination of a facility's payment  
8 for skilled nursing and intermediate care services on a  
9 prospective basis. The amount of the payment rate for all  
10 nursing facilities certified by the Department of Public Health  
11 under the MR/DD Community Care Act or the Nursing Home Care Act  
12 as Intermediate Care for the Developmentally Disabled  
13 facilities, Long Term Care for Under Age 22 facilities, Skilled  
14 Nursing facilities, or Intermediate Care facilities under the  
15 medical assistance program shall be prospectively established  
16 annually on the basis of historical, financial, and statistical  
17 data reflecting actual costs from prior years, which shall be  
18 applied to the current rate year and updated for inflation,  
19 except that the capital cost element for newly constructed  
20 facilities shall be based upon projected budgets. The annually  
21 established payment rate shall take effect on July 1 in 1984  
22 and subsequent years. No rate increase and no update for  
23 inflation shall be provided on or after July 1, 1994 and before  
24 July 1, 2010, unless specifically provided for in this Section.  
25 The changes made by Public Act 93-841 extending the duration of  
26 the prohibition against a rate increase or update for inflation

1 are effective retroactive to July 1, 2004.

2 For facilities licensed by the Department of Public Health  
3 under the Nursing Home Care Act as Intermediate Care for the  
4 Developmentally Disabled facilities or Long Term Care for Under  
5 Age 22 facilities, the rates taking effect on July 1, 1998  
6 shall include an increase of 3%. For facilities licensed by the  
7 Department of Public Health under the Nursing Home Care Act as  
8 Skilled Nursing facilities or Intermediate Care facilities,  
9 the rates taking effect on July 1, 1998 shall include an  
10 increase of 3% plus \$1.10 per resident-day, as defined by the  
11 Department. For facilities licensed by the Department of Public  
12 Health under the Nursing Home Care Act as Intermediate Care  
13 Facilities for the Developmentally Disabled or Long Term Care  
14 for Under Age 22 facilities, the rates taking effect on January  
15 1, 2006 shall include an increase of 3%. For facilities  
16 licensed by the Department of Public Health under the Nursing  
17 Home Care Act as Intermediate Care Facilities for the  
18 Developmentally Disabled or Long Term Care for Under Age 22  
19 facilities, the rates taking effect on January 1, 2009 shall  
20 include an increase sufficient to provide a \$0.50 per hour wage  
21 increase for non-executive staff.

22 For facilities licensed by the Department of Public Health  
23 under the Nursing Home Care Act as Intermediate Care for the  
24 Developmentally Disabled facilities or Long Term Care for Under  
25 Age 22 facilities, the rates taking effect on July 1, 1999  
26 shall include an increase of 1.6% plus \$3.00 per resident-day,

1 as defined by the Department. For facilities licensed by the  
2 Department of Public Health under the Nursing Home Care Act as  
3 Skilled Nursing facilities or Intermediate Care facilities,  
4 the rates taking effect on July 1, 1999 shall include an  
5 increase of 1.6% and, for services provided on or after October  
6 1, 1999, shall be increased by \$4.00 per resident-day, as  
7 defined by the Department.

8 For facilities licensed by the Department of Public Health  
9 under the Nursing Home Care Act as Intermediate Care for the  
10 Developmentally Disabled facilities or Long Term Care for Under  
11 Age 22 facilities, the rates taking effect on July 1, 2000  
12 shall include an increase of 2.5% per resident-day, as defined  
13 by the Department. For facilities licensed by the Department of  
14 Public Health under the Nursing Home Care Act as Skilled  
15 Nursing facilities or Intermediate Care facilities, the rates  
16 taking effect on July 1, 2000 shall include an increase of 2.5%  
17 per resident-day, as defined by the Department.

18 For facilities licensed by the Department of Public Health  
19 under the Nursing Home Care Act as skilled nursing facilities  
20 or intermediate care facilities, a new payment methodology must  
21 be implemented for the nursing component of the rate effective  
22 July 1, 2003. The Department of Public Aid (now Healthcare and  
23 Family Services) shall develop the new payment methodology  
24 using the Minimum Data Set (MDS) as the instrument to collect  
25 information concerning nursing home resident condition  
26 necessary to compute the rate. The Department shall develop the

1 new payment methodology to meet the unique needs of Illinois  
2 nursing home residents while remaining subject to the  
3 appropriations provided by the General Assembly. A transition  
4 period from the payment methodology in effect on June 30, 2003  
5 to the payment methodology in effect on July 1, 2003 shall be  
6 provided for a period not exceeding 3 years and 184 days after  
7 implementation of the new payment methodology as follows:

8 (A) For a facility that would receive a lower nursing  
9 component rate per patient day under the new system than  
10 the facility received effective on the date immediately  
11 preceding the date that the Department implements the new  
12 payment methodology, the nursing component rate per  
13 patient day for the facility shall be held at the level in  
14 effect on the date immediately preceding the date that the  
15 Department implements the new payment methodology until a  
16 higher nursing component rate of reimbursement is achieved  
17 by that facility.

18 (B) For a facility that would receive a higher nursing  
19 component rate per patient day under the payment  
20 methodology in effect on July 1, 2003 than the facility  
21 received effective on the date immediately preceding the  
22 date that the Department implements the new payment  
23 methodology, the nursing component rate per patient day for  
24 the facility shall be adjusted.

25 (C) Notwithstanding paragraphs (A) and (B), the  
26 nursing component rate per patient day for the facility

1 shall be adjusted subject to appropriations provided by the  
2 General Assembly.

3 For facilities licensed by the Department of Public Health  
4 under the Nursing Home Care Act as Intermediate Care for the  
5 Developmentally Disabled facilities or Long Term Care for Under  
6 Age 22 facilities, the rates taking effect on March 1, 2001  
7 shall include a statewide increase of 7.85%, as defined by the  
8 Department.

9 Notwithstanding any other provision of this Section, for  
10 facilities licensed by the Department of Public Health under  
11 the Nursing Home Care Act as skilled nursing facilities or  
12 intermediate care facilities, the numerator of the ratio used  
13 by the Department of Healthcare and Family Services to compute  
14 the rate payable under this Section using the Minimum Data Set  
15 (MDS) methodology shall incorporate the following annual  
16 amounts as the additional funds appropriated to the Department  
17 specifically to pay for rates based on the MDS nursing  
18 component methodology in excess of the funding in effect on  
19 December 31, 2006:

20 (i) For rates taking effect January 1, 2007,  
21 \$60,000,000.

22 (ii) For rates taking effect January 1, 2008,  
23 \$110,000,000.

24 (iii) For rates taking effect January 1, 2009,  
25 \$194,000,000.

26 Notwithstanding any other provision of this Section, for

1 facilities licensed by the Department of Public Health under  
2 the Nursing Home Care Act as skilled nursing facilities or  
3 intermediate care facilities, the support component of the  
4 rates taking effect on January 1, 2008 shall be computed using  
5 the most recent cost reports on file with the Department of  
6 Healthcare and Family Services no later than April 1, 2005,  
7 updated for inflation to January 1, 2006.

8 For facilities licensed by the Department of Public Health  
9 under the Nursing Home Care Act as Intermediate Care for the  
10 Developmentally Disabled facilities or Long Term Care for Under  
11 Age 22 facilities, the rates taking effect on April 1, 2002  
12 shall include a statewide increase of 2.0%, as defined by the  
13 Department. This increase terminates on July 1, 2002; beginning  
14 July 1, 2002 these rates are reduced to the level of the rates  
15 in effect on March 31, 2002, as defined by the Department.

16 For facilities licensed by the Department of Public Health  
17 under the Nursing Home Care Act as skilled nursing facilities  
18 or intermediate care facilities, the rates taking effect on  
19 July 1, 2001 shall be computed using the most recent cost  
20 reports on file with the Department of Public Aid no later than  
21 April 1, 2000, updated for inflation to January 1, 2001. For  
22 rates effective July 1, 2001 only, rates shall be the greater  
23 of the rate computed for July 1, 2001 or the rate effective on  
24 June 30, 2001.

25 Notwithstanding any other provision of this Section, for  
26 facilities licensed by the Department of Public Health under

1 the Nursing Home Care Act as skilled nursing facilities or  
2 intermediate care facilities, the Illinois Department shall  
3 determine by rule the rates taking effect on July 1, 2002,  
4 which shall be 5.9% less than the rates in effect on June 30,  
5 2002.

6 Notwithstanding any other provision of this Section, for  
7 facilities licensed by the Department of Public Health under  
8 the Nursing Home Care Act as skilled nursing facilities or  
9 intermediate care facilities, if the payment methodologies  
10 required under Section 5A-12 and the waiver granted under 42  
11 CFR 433.68 are approved by the United States Centers for  
12 Medicare and Medicaid Services, the rates taking effect on July  
13 1, 2004 shall be 3.0% greater than the rates in effect on June  
14 30, 2004. These rates shall take effect only upon approval and  
15 implementation of the payment methodologies required under  
16 Section 5A-12.

17 Notwithstanding any other provisions of this Section, for  
18 facilities licensed by the Department of Public Health under  
19 the Nursing Home Care Act as skilled nursing facilities or  
20 intermediate care facilities, the rates taking effect on  
21 January 1, 2005 shall be 3% more than the rates in effect on  
22 December 31, 2004.

23 Notwithstanding any other provision of this Section, for  
24 facilities licensed by the Department of Public Health under  
25 the Nursing Home Care Act as skilled nursing facilities or  
26 intermediate care facilities, effective January 1, 2009, the

1 per diem support component of the rates effective on January 1,  
2 2008, computed using the most recent cost reports on file with  
3 the Department of Healthcare and Family Services no later than  
4 April 1, 2005, updated for inflation to January 1, 2006, shall  
5 be increased to the amount that would have been derived using  
6 standard Department of Healthcare and Family Services methods,  
7 procedures, and inflators.

8 Notwithstanding any other provisions of this Section, for  
9 facilities licensed by the Department of Public Health under  
10 the Nursing Home Care Act as intermediate care facilities that  
11 are federally defined as Institutions for Mental Disease, a  
12 socio-development component rate equal to 6.6% of the  
13 facility's nursing component rate as of January 1, 2006 shall  
14 be established and paid effective July 1, 2006. The  
15 socio-development component of the rate shall be increased by a  
16 factor of 2.53 on the first day of the month that begins at  
17 least 45 days after January 11, 2008 (the effective date of  
18 Public Act 95-707). As of August 1, 2008, the socio-development  
19 component rate shall be equal to 6.6% of the facility's nursing  
20 component rate as of January 1, 2006, multiplied by a factor of  
21 3.53. The Illinois Department may by rule adjust these  
22 socio-development component rates, but in no case may such  
23 rates be diminished.

24 For facilities licensed by the Department of Public Health  
25 under the Nursing Home Care Act as Intermediate Care for the  
26 Developmentally Disabled facilities or as long-term care

1 facilities for residents under 22 years of age, the rates  
2 taking effect on July 1, 2003 shall include a statewide  
3 increase of 4%, as defined by the Department.

4 For facilities licensed by the Department of Public Health  
5 under the Nursing Home Care Act as Intermediate Care for the  
6 Developmentally Disabled facilities or Long Term Care for Under  
7 Age 22 facilities, the rates taking effect on the first day of  
8 the month that begins at least 45 days after the effective date  
9 of this amendatory Act of the 95th General Assembly shall  
10 include a statewide increase of 2.5%, as defined by the  
11 Department.

12 Notwithstanding any other provision of this Section, for  
13 facilities licensed by the Department of Public Health under  
14 the Nursing Home Care Act as skilled nursing facilities or  
15 intermediate care facilities, effective January 1, 2005,  
16 facility rates shall be increased by the difference between (i)  
17 a facility's per diem property, liability, and malpractice  
18 insurance costs as reported in the cost report filed with the  
19 Department of Public Aid and used to establish rates effective  
20 July 1, 2001 and (ii) those same costs as reported in the  
21 facility's 2002 cost report. These costs shall be passed  
22 through to the facility without caps or limitations, except for  
23 adjustments required under normal auditing procedures.

24 Rates established effective each July 1 shall govern  
25 payment for services rendered throughout that fiscal year,  
26 except that rates established on July 1, 1996 shall be

1 increased by 6.8% for services provided on or after January 1,  
2 1997. Such rates will be based upon the rates calculated for  
3 the year beginning July 1, 1990, and for subsequent years  
4 thereafter until June 30, 2001 shall be based on the facility  
5 cost reports for the facility fiscal year ending at any point  
6 in time during the previous calendar year, updated to the  
7 midpoint of the rate year. The cost report shall be on file  
8 with the Department no later than April 1 of the current rate  
9 year. Should the cost report not be on file by April 1, the  
10 Department shall base the rate on the latest cost report filed  
11 by each skilled care facility and intermediate care facility,  
12 updated to the midpoint of the current rate year. In  
13 determining rates for services rendered on and after July 1,  
14 1985, fixed time shall not be computed at less than zero. The  
15 Department shall not make any alterations of regulations which  
16 would reduce any component of the Medicaid rate to a level  
17 below what that component would have been utilizing in the rate  
18 effective on July 1, 1984.

19 (2) Shall take into account the actual costs incurred by  
20 facilities in providing services for recipients of skilled  
21 nursing and intermediate care services under the medical  
22 assistance program.

23 (3) Shall take into account the medical and psycho-social  
24 characteristics and needs of the patients.

25 (4) Shall take into account the actual costs incurred by  
26 facilities in meeting licensing and certification standards

1 imposed and prescribed by the State of Illinois, any of its  
2 political subdivisions or municipalities and by the U.S.  
3 Department of Health and Human Services pursuant to Title XIX  
4 of the Social Security Act.

5 The Department of Healthcare and Family Services shall  
6 develop precise standards for payments to reimburse nursing  
7 facilities for any utilization of appropriate rehabilitative  
8 personnel for the provision of rehabilitative services which is  
9 authorized by federal regulations, including reimbursement for  
10 services provided by qualified therapists or qualified  
11 assistants, and which is in accordance with accepted  
12 professional practices. Reimbursement also may be made for  
13 utilization of other supportive personnel under appropriate  
14 supervision.

15 (Source: P.A. 95-12, eff. 7-2-07; 95-331, eff. 8-21-07; 95-707,  
16 eff. 1-11-08; 95-744, eff. 7-18-08; 96-45, eff. 7-15-09;  
17 96-339, eff. 7-1-10; revised 10-23-09.)

18 (305 ILCS 5/12-4.11) (from Ch. 23, par. 12-4.11)

19 Sec. 12-4.11. Grant amounts. The Department, with due  
20 regard for and subject to budgetary limitations, shall  
21 establish grant amounts for each of the programs, by  
22 regulation. The grant amounts may vary by program, size of  
23 assistance unit and geographic area.

24 Aid payments shall not be reduced except: (1) for changes  
25 in the cost of items included in the grant amounts, or (2) for

1 changes in the expenses of the recipient, or (3) for changes in  
2 the income or resources available to the recipient, or (4) for  
3 changes in grants resulting from adoption of a consolidated  
4 grant amount. ~~Beginning July 1, 2008, the Department of Human~~  
5 ~~Services shall increase TANF grant amounts in effect on June~~  
6 ~~30, 2008 by 9%.~~

7 Subject to appropriation, beginning on July 1, 2008, the  
8 Department of Human Services shall increase TANF grant amounts  
9 in effect on June 30, 2008 by 15%. The Department is authorized  
10 to administer this increase but may not otherwise adopt any  
11 rule to implement this increase.

12 In fixing standards to govern payments or reimbursements  
13 for funeral and burial expenses, the Department shall establish  
14 a minimum allowable amount of not less than \$1,000 for  
15 Department payment of funeral services and not less than \$500  
16 for Department payment of burial or cremation services. On  
17 January 1, 2006, July 1, 2006, and July 1, 2007, the Department  
18 shall increase the minimum reimbursement amount for funeral and  
19 burial expenses under this Section by a percentage equal to the  
20 percentage increase in the Consumer Price Index for All Urban  
21 Consumers, if any, during the 12 months immediately preceding  
22 that January 1 or July 1. In establishing the minimum allowable  
23 amount, the Department shall take into account the services  
24 essential to a dignified, low-cost (i) funeral and (ii) burial  
25 or cremation, including reasonable amounts that may be  
26 necessary for burial space and cemetery charges, and any

1 applicable taxes or other required governmental fees or  
2 charges. If no person has agreed to pay the total cost of the  
3 (i) funeral and (ii) burial or cremation charges, the  
4 Department shall pay the vendor the actual costs of the (i)  
5 funeral and (ii) burial or cremation, or the minimum allowable  
6 amount for each service as established by the Department,  
7 whichever is less, provided that the Department reduces its  
8 payments by the amount available from the following sources:  
9 the decedent's assets and available resources and the  
10 anticipated amounts of any death benefits available to the  
11 decedent's estate, and amounts paid and arranged to be paid by  
12 the decedent's legally responsible relatives. A legally  
13 responsible relative is expected to pay (i) funeral and (ii)  
14 burial or cremation expenses unless financially unable to do  
15 so.

16 Nothing contained in this Section or in any other Section  
17 of this Code shall be construed to prohibit the Illinois  
18 Department (1) from consolidating existing standards on the  
19 basis of any standards which are or were in effect on, or  
20 subsequent to July 1, 1969, or (2) from employing any  
21 consolidated standards in determining need for public aid and  
22 the amount of money payment or grant for individual recipients  
23 or recipient families.

24 (Source: P.A. 94-669, eff. 8-23-05; 95-744, eff. 7-18-08;  
25 95-1055, eff. 4-10-09; revised 4-14-09.)

1 (305 ILCS 5/12-4.37)

2 Sec. 12-4.37. Children's Healthcare Partnership Pilot  
3 Program.

4 (a) The Department of Healthcare and Family Services, in  
5 cooperation with the Department of Human Services, shall  
6 establish a Children's Healthcare Partnership Pilot Program in  
7 Sangamon County to fund the provision of various health care  
8 services by a single provider, or a group of providers that  
9 have entered into an agreement for that purpose, at a single  
10 location in the county. Services covered under the pilot  
11 program shall include, but need not be limited to, family  
12 practice, pediatric, nursing (including advanced practice  
13 nursing), psychiatric, dental, and vision services. The  
14 Departments shall fund the provision of all services provided  
15 under the pilot program using a rate structure that is  
16 cost-based. To be selected by the Departments as the provider  
17 of health care services under the pilot program, a provider or  
18 group of providers must serve a disproportionate share of  
19 low-income or indigent patients, including recipients of  
20 medical assistance under Article V of this Code. The  
21 Departments shall adopt rules as necessary to implement this  
22 Section.

23 (b) Implementation of this Section is contingent on federal  
24 approval. The Department of Healthcare and Family Services  
25 shall take appropriate action by January 1, 2010 to seek  
26 federal approval.

1 (c) This Section is inoperative if the provider of health  
2 care services under the pilot program receives designation as a  
3 Federally Qualified Health Center (FQHC) or FQHC Look-Alike.  
4 (Source: P.A. 96-691, eff. 8-25-09.)

5 (305 ILCS 5/12-4.39)

6 Sec. 12-4.39 ~~12-4.37~~. Dental clinic grant program.

7 (a) Grant program. Subject to funding availability, the  
8 Department of Healthcare and Family Services shall administer a  
9 grant program. The purpose of this grant program shall be to  
10 build the public infrastructure for dental care and to make  
11 grants to local health departments, federally qualified health  
12 clinics (FQHCs), and rural health clinics (RHCs) for  
13 development of comprehensive dental clinics for dental care  
14 services. The primary purpose of these new dental clinics will  
15 be to increase dental access for low-income and Department of  
16 Healthcare and Family Services clients who have no dental  
17 arrangements with a dental provider in a project's service  
18 area. The dental clinic must be willing to accept out-of-area  
19 clients who need dental services, including emergency services  
20 for adults and Early and Periodic Screening, Diagnosis and  
21 Treatment (EPSDT)-referral children. Medically Underserved  
22 Areas (MUAs) and Health Professional Shortage Areas (HPSAs)  
23 shall receive special priority for grants under this program.

24 (b) Eligible applicants. The following entities are  
25 eligible to apply for grants:

1 (1) Local health departments.

2 (2) Federally Qualified Health Centers (FQHCs).

3 (3) Rural health clinics (RHCs).

4 (c) Use of grant moneys. Grant moneys must be used to  
5 support projects that develop dental services to meet the  
6 dental health care needs of Department of Healthcare and Family  
7 Services Dental Program clients. Grant moneys must be used for  
8 operating expenses, including, but not limited to: insurance;  
9 dental supplies and equipment; dental support services; and  
10 renovation expenses. Grant moneys may not be used to offset  
11 existing indebtedness, supplant existing funds, purchase real  
12 property, or pay for personnel service salaries for dental  
13 employees.

14 (d) Application process. The Department shall establish  
15 procedures for applying for dental clinic grants.

16 (Source: P.A. 96-67, eff. 7-23-09; revised 10-24-09.)

17 (305 ILCS 5/12-4.201)

18 Sec. 12-4.201. ~~(a)~~ Data warehouse concerning medical and  
19 related services.

20 (a) The Department of Healthcare and Family Services may  
21 purchase services and materials associated with the costs of  
22 developing and implementing a data warehouse comprised of  
23 management and decision making information in regard to the  
24 liability associated with, and utilization of, medical and  
25 related services, out of moneys available for that purpose.

1           (b) The Department of Healthcare and Family Services shall  
2 perform all necessary administrative functions to expand its  
3 linearly-scalable data warehouse to encompass other healthcare  
4 data sources at both the Department of Human Services and the  
5 Department of Public Health. The Department of Healthcare and  
6 Family Services shall leverage the inherent capabilities of the  
7 data warehouse to accomplish this expansion with marginal  
8 additional technical administration. The purpose of this  
9 expansion is to allow for programmatic review and analysis  
10 including the interrelatedness among the various healthcare  
11 programs in order to ascertain effectiveness toward, and  
12 ultimate impact on, clients. Beginning July 1, 2005, the  
13 Department of Healthcare and Family Services (formerly  
14 Department of Public Aid) shall supply quarterly reports to the  
15 Commission on Government Forecasting and Accountability  
16 detailing progress toward this mandate.

17           (c) The Department of Healthcare and Family Services (HFS),  
18 the Illinois Department of Public Health, the Illinois  
19 Department of Human Services, and the Division of Specialized  
20 Care for Children, University of Illinois at Chicago, with  
21 necessary support from the Department of Central Management  
22 Services, shall integrate into the medical data warehouse  
23 individual record level data owned by one of these agencies  
24 that pertains to maternal and child health, including the  
25 following data sets:

26           (1) Vital Records as they relate to births, birth

1 outcomes, and deaths.

2 (2) Adverse Pregnancy Outcomes Reporting System  
3 (APORS).

4 (3) Genetics/Newborn Screenings/SIDS.

5 (4) Cornerstone (WIC, FCM, Teen Parents,  
6 Immunization).

7 (5) HFS medical claims data.

8 (6) I-CARE.

9 (7) Children with Special Healthcare Needs Data.

10 By September 1, 2009, the departments of Healthcare and  
11 Family Services, Public Health, and Human Services and the  
12 Division of Specialized Care for Children shall jointly prepare  
13 a work plan for fully integrating these data sets into the  
14 medical data warehouse. The work plan shall provide an overall  
15 project design, including defining a mutually acceptable  
16 transfer format for each discrete data set, the data update  
17 frequency, and a single method of data transfer for each data  
18 set. By October 1, 2009, the Department of Public Health shall  
19 grant to the Department of Healthcare and Family Services  
20 complete access to all vital records data. The Department of  
21 Public Health shall prepare a report detailing that this task  
22 has been accomplished and submit this report to the Commission  
23 on Government Forecasting and Accountability by October 15,  
24 2009. By March 1, 2010, the data sets shall be completely  
25 loaded into the medical data warehouse. By July 1, 2010, data  
26 from the various sources shall be processed so as to be

1 compatible with other data in the medical data warehouse and  
2 available for analysis in an integrated manner.

3 With the cooperation of the other agencies, HFS shall  
4 submit status reports on the progress of these efforts to the  
5 Governor and the General Assembly no later than October 1, 2009  
6 and April 1, 2010, with a final report due no later than  
7 November 1, 2010.

8 On an ongoing basis, the 4 agencies shall review the  
9 feasibility of adding data from additional sources to the  
10 warehouse. Such review may take into account the cost  
11 effectiveness of adding the data, the utility of adding data  
12 that is not available as identifiable individual record level  
13 data, the requirements related to adding data owned by another  
14 entity or not available in electronic form, whether sharing of  
15 the data is otherwise prohibited by law and the resources  
16 required and available for effecting the addition.

17 The departments shall use analysis of the data in the  
18 medical data warehouse to improve maternal and child health  
19 outcomes, and in particular improve birth outcomes, and to  
20 reduce racial health disparities in this area.

21 All access and use of the data shall be in compliance with  
22 all applicable federal and State laws, regulations, and  
23 mandates.

24 Notwithstanding anything in this Section, data  
25 incorporated into the data warehouse shall remain subject to  
26 the same provisions of law regarding confidentiality and use

1 restrictions as they are subject to in the control of the  
2 contributing agency. The Department of Healthcare and Family  
3 Services shall develop measures to ensure that the interplay of  
4 the several data sets contributed to the data warehouse does  
5 not lead to the use or release of data from the data warehouse  
6 that would not otherwise be subject to use or release under  
7 State or federal law.

8 (Source: P.A. 95-331, eff. 8-21-07; 96-799, eff. 10-28-09;  
9 revised 11-24-09.)

10 Section 505. The Energy Assistance Act is amended by  
11 changing Sections 6 and 13 as follows:

12 (305 ILCS 20/6) (from Ch. 111 2/3, par. 1406)

13 Sec. 6. Eligibility, Conditions of Participation, and  
14 Energy Assistance.

15 (a) Any person who is a resident of the State of Illinois  
16 and whose household income is not greater than an amount  
17 determined annually by the Department, in consultation with the  
18 Policy Advisory Council, may apply for assistance pursuant to  
19 this Act in accordance with regulations promulgated by the  
20 Department. In setting the annual eligibility level, the  
21 Department shall consider the amount of available funding and  
22 may not set a limit higher than 150% of the federal nonfarm  
23 poverty level as established by the federal Office of  
24 Management and Budget; except that for the period ending June

1 30, 2012, or until the expenditure of federal resources  
2 allocated for energy assistance programs by the American  
3 Recovery and Reinvestment Act, whichever occurs first, the  
4 Department may not establish limits higher than 200% of that  
5 poverty level.

6 (b) Applicants who qualify for assistance pursuant to  
7 subsection (a) of this Section shall, subject to appropriation  
8 from the General Assembly and subject to availability of funds  
9 to the Department, receive energy assistance as provided by  
10 this Act. The Department, upon receipt of monies authorized  
11 pursuant to this Act for energy assistance, shall commit funds  
12 for each qualified applicant in an amount determined by the  
13 Department. In determining the amounts of assistance to be  
14 provided to or on behalf of a qualified applicant, the  
15 Department shall ensure that the highest amounts of assistance  
16 go to households with the greatest energy costs in relation to  
17 household income. The Department shall include factors such as  
18 energy costs, household size, household income, and region of  
19 the State when determining individual household benefits. In  
20 setting assistance levels, the Department shall attempt to  
21 provide assistance to approximately the same number of  
22 households who participated in the 1991 Residential Energy  
23 Assistance Partnership Program. Such assistance levels shall  
24 be adjusted annually on the basis of funding availability and  
25 energy costs. In promulgating rules for the administration of  
26 this Section the Department shall assure that a minimum of 1/3

1 of funds available for benefits to eligible households with the  
2 lowest incomes and that elderly and disabled households are  
3 offered a priority application period.

4 (c) If the applicant is not a customer of record of an  
5 energy provider for energy services or an applicant for such  
6 service, such applicant shall receive a direct energy  
7 assistance payment in an amount established by the Department  
8 for all such applicants under this Act; provided, however, that  
9 such an applicant must have rental expenses for housing greater  
10 than 30% of household income.

11 (c-1) This subsection shall apply only in cases where: (1)  
12 the applicant is not a customer of record of an energy provider  
13 because energy services are provided by the owner of the unit  
14 as a portion of the rent; (2) the applicant resides in housing  
15 subsidized or developed with funds provided under the Rental  
16 Housing Support Program Act or under a similar locally funded  
17 rent subsidy program, or is the voucher holder who resides in a  
18 rental unit within the State of Illinois and whose monthly rent  
19 is subsidized by the tenant-based Housing Choice Voucher  
20 Program under Section 8 of the U.S. Housing Act of 1937; and  
21 (3) the rental expenses for housing are no more than 30% of  
22 household income. In such cases, the household may apply for an  
23 energy assistance payment under this Act and the owner of the  
24 housing unit shall cooperate with the applicant by providing  
25 documentation of the energy costs for that unit. Any  
26 compensation paid to the energy provider who supplied energy

1 services to the household shall be paid on behalf of the owner  
2 of the housing unit providing energy services to the household.  
3 The Department shall report annually to the General Assembly on  
4 the number of households receiving energy assistance under this  
5 subsection and the cost of such assistance. The provisions of  
6 this subsection (c-1), other than this sentence, are  
7 inoperative after August 31, 2012.

8 (d) If the applicant is a customer of an energy provider,  
9 such applicant shall receive energy assistance in an amount  
10 established by the Department for all such applicants under  
11 this Act, such amount to be paid by the Department to the  
12 energy provider supplying winter energy service to such  
13 applicant. Such applicant shall:

14 (i) make all reasonable efforts to apply to any other  
15 appropriate source of public energy assistance; and

16 (ii) sign a waiver permitting the Department to receive  
17 income information from any public or private agency  
18 providing income or energy assistance and from any  
19 employer, whether public or private.

20 (e) Any qualified applicant pursuant to this Section may  
21 receive or have paid on such applicant's behalf an emergency  
22 assistance payment to enable such applicant to obtain access to  
23 winter energy services. Any such payments shall be made in  
24 accordance with regulations of the Department.

25 (f) The Department may, if sufficient funds are available,  
26 provide additional benefits to certain qualified applicants:

1 (i) for the reduction of past due amounts owed to  
2 energy providers; and

3 (ii) to assist the household in responding to  
4 excessively high summer temperatures or energy costs.  
5 Households containing elderly members, children, a person  
6 with a disability, or a person with a medical need for  
7 conditioned air shall receive priority for receipt of such  
8 benefits.

9 (Source: P.A. 96-154, eff. 1-1-10; 96-157, eff. 9-1-09; revised  
10 9-4-09.)

11 (305 ILCS 20/13)

12 (Section scheduled to be repealed on December 31, 2013)

13 Sec. 13. Supplemental Low-Income Energy Assistance Fund.

14 (a) The Supplemental Low-Income Energy Assistance Fund is  
15 hereby created as a special fund in the State Treasury. The  
16 Supplemental Low-Income Energy Assistance Fund is authorized  
17 to receive moneys from voluntary donations from individuals,  
18 foundations, corporations, and other sources, moneys received  
19 pursuant to Section 17, and, by statutory deposit, the moneys  
20 collected pursuant to this Section. The Fund is also authorized  
21 to receive voluntary donations from individuals, foundations,  
22 corporations, and other sources, as well as contributions made  
23 in accordance with Section 507MM of the Illinois Income Tax  
24 Act. Subject to appropriation, the Department shall use moneys  
25 from the Supplemental Low-Income Energy Assistance Fund for

1 payments to electric or gas public utilities, municipal  
2 electric or gas utilities, and electric cooperatives on behalf  
3 of their customers who are participants in the program  
4 authorized by Sections 4 and 18 of this Act, for the provision  
5 of weatherization services and for administration of the  
6 Supplemental Low-Income Energy Assistance Fund. The yearly  
7 expenditures for weatherization may not exceed 10% of the  
8 amount collected during the year pursuant to this Section. The  
9 yearly administrative expenses of the Supplemental Low-Income  
10 Energy Assistance Fund may not exceed 10% of the amount  
11 collected during that year pursuant to this Section.

12 (b) Notwithstanding the provisions of Section 16-111 of the  
13 Public Utilities Act but subject to subsection (k) of this  
14 Section, each public utility, electric cooperative, as defined  
15 in Section 3.4 of the Electric Supplier Act, and municipal  
16 utility, as referenced in Section 3-105 of the Public Utilities  
17 Act, that is engaged in the delivery of electricity or the  
18 distribution of natural gas within the State of Illinois shall,  
19 effective January 1, 1998, assess each of its customer accounts  
20 a monthly Energy Assistance Charge for the Supplemental  
21 Low-Income Energy Assistance Fund. The delivering public  
22 utility, municipal electric or gas utility, or electric or gas  
23 cooperative for a self-assessing purchaser remains subject to  
24 the collection of the fee imposed by this Section. The monthly  
25 charge shall be as follows:

26 (1) \$0.48 per month on each account for residential

1 electric service;

2 (2) \$0.48 per month on each account for residential gas  
3 service;

4 (3) \$4.80 per month on each account for non-residential  
5 electric service which had less than 10 megawatts of peak  
6 demand during the previous calendar year;

7 (4) \$4.80 per month on each account for non-residential  
8 gas service which had distributed to it less than 4,000,000  
9 therms of gas during the previous calendar year;

10 (5) \$360 per month on each account for non-residential  
11 electric service which had 10 megawatts or greater of peak  
12 demand during the previous calendar year; and

13 (6) \$360 per month on each account for non-residential  
14 gas service which had 4,000,000 or more therms of gas  
15 distributed to it during the previous calendar year.

16 The incremental change to such charges imposed by this  
17 amendatory Act of the 96th General Assembly shall not (i) be  
18 used for any purpose other than to directly assist customers  
19 and (ii) be applicable to utilities serving less than 100,000  
20 customers in Illinois on January 1, 2009.

21 In addition, electric and gas utilities have committed, and  
22 shall contribute, a one-time payment of \$22 million to the  
23 Fund, within 10 days after the effective date of the tariffs  
24 established pursuant to Sections 16-111.8 and 19-145 of the  
25 Public Utilities Act to be used for the Department's cost of  
26 implementing the programs described in Section 18 of this

1 amendatory Act of the 96th General Assembly, the Arrearage  
2 Reduction Program described in Section 18, and the programs  
3 described in Section 8-105 of the Public Utilities Act. If a  
4 utility elects not to file a rider within 90 days after the  
5 effective date of this amendatory Act of the 96th General  
6 Assembly, then the contribution from such utility shall be made  
7 no later than February 1, 2010.

8 (c) For purposes of this Section:

9 (1) "residential electric service" means electric  
10 utility service for household purposes delivered to a  
11 dwelling of 2 or fewer units which is billed under a  
12 residential rate, or electric utility service for  
13 household purposes delivered to a dwelling unit or units  
14 which is billed under a residential rate and is registered  
15 by a separate meter for each dwelling unit;

16 (2) "residential gas service" means gas utility  
17 service for household purposes distributed to a dwelling of  
18 2 or fewer units which is billed under a residential rate,  
19 or gas utility service for household purposes distributed  
20 to a dwelling unit or units which is billed under a  
21 residential rate and is registered by a separate meter for  
22 each dwelling unit;

23 (3) "non-residential electric service" means electric  
24 utility service which is not residential electric service;  
25 and

26 (4) "non-residential gas service" means gas utility

1 service which is not residential gas service.

2 (d) Within 30 days after the effective date of this  
3 amendatory Act of the 96th General Assembly, each public  
4 utility engaged in the delivery of electricity or the  
5 distribution of natural gas shall file with the Illinois  
6 Commerce Commission tariffs incorporating the Energy  
7 Assistance Charge in other charges stated in such tariffs,  
8 which shall become effective no later than the beginning of the  
9 first billing cycle following such filing.

10 (e) The Energy Assistance Charge assessed by electric and  
11 gas public utilities shall be considered a charge for public  
12 utility service.

13 (f) By the 20th day of the month following the month in  
14 which the charges imposed by the Section were collected, each  
15 public utility, municipal utility, and electric cooperative  
16 shall remit to the Department of Revenue all moneys received as  
17 payment of the Energy Assistance Charge on a return prescribed  
18 and furnished by the Department of Revenue showing such  
19 information as the Department of Revenue may reasonably  
20 require; provided, however, that a utility offering an  
21 Arrearage Reduction Program pursuant to Section 18 of this Act  
22 shall be entitled to net those amounts necessary to fund and  
23 recover the costs of such Program as authorized by that Section  
24 that is no more than the incremental change in such Energy  
25 Assistance Charge authorized by this amendatory Act of the 96th  
26 General Assembly. If a customer makes a partial payment, a

1 public utility, municipal utility, or electric cooperative may  
2 elect either: (i) to apply such partial payments first to  
3 amounts owed to the utility or cooperative for its services and  
4 then to payment for the Energy Assistance Charge or (ii) to  
5 apply such partial payments on a pro-rata basis between amounts  
6 owed to the utility or cooperative for its services and to  
7 payment for the Energy Assistance Charge.

8 (g) The Department of Revenue shall deposit into the  
9 Supplemental Low-Income Energy Assistance Fund all moneys  
10 remitted to it in accordance with subsection (f) of this  
11 Section; provided, however, that the amounts remitted by each  
12 utility shall be used to provide assistance to that utility's  
13 customers. The utilities shall coordinate with the Department  
14 to establish an equitable and practical methodology for  
15 implementing this subsection (g) beginning with the 2010  
16 program year.

17 (h) ~~(Blank)~~. On or before December 31, 2002, the Department  
18 shall prepare a report for the General Assembly on the  
19 expenditure of funds appropriated from the Low-Income Energy  
20 Assistance Block Grant Fund for the program authorized under  
21 Section 4 of this Act.

22 (i) The Department of Revenue may establish such rules as  
23 it deems necessary to implement this Section.

24 (j) The Department of Commerce and Economic Opportunity may  
25 establish such rules as it deems necessary to implement this  
26 Section.

1           (k) The charges imposed by this Section shall only apply to  
2 customers of municipal electric or gas utilities and electric  
3 or gas cooperatives if the municipal electric or gas utility or  
4 electric or gas cooperative makes an affirmative decision to  
5 impose the charge. If a municipal electric or gas utility or an  
6 electric cooperative makes an affirmative decision to impose  
7 the charge provided by this Section, the municipal electric or  
8 gas utility or electric cooperative shall inform the Department  
9 of Revenue in writing of such decision when it begins to impose  
10 the charge. If a municipal electric or gas utility or electric  
11 or gas cooperative does not assess this charge, the Department  
12 may not use funds from the Supplemental Low-Income Energy  
13 Assistance Fund to provide benefits to its customers under the  
14 program authorized by Section 4 of this Act.

15           In its use of federal funds under this Act, the Department  
16 may not cause a disproportionate share of those federal funds  
17 to benefit customers of systems which do not assess the charge  
18 provided by this Section.

19           This Section is repealed effective December 31, 2013 unless  
20 renewed by action of the General Assembly. The General Assembly  
21 shall consider the results of the evaluations described in  
22 Section 8 in its deliberations.

23           (Source: P.A. 95-48, eff. 8-10-07; 95-331, eff. 8-21-07; 96-33,  
24 eff. 7-10-09; 96-154, eff. 1-1-10; revised 11-4-09.)

25           Section 510. The Elder Abuse and Neglect Act is amended by

1 changing Sections 2, 3, and 4 as follows:

2 (320 ILCS 20/2) (from Ch. 23, par. 6602)

3 (Text of Section before amendment by P.A. 96-339)

4 Sec. 2. Definitions. As used in this Act, unless the  
5 context requires otherwise:

6 (a) "Abuse" means causing any physical, mental or sexual  
7 injury to an eligible adult, including exploitation of such  
8 adult's financial resources.

9 Nothing in this Act shall be construed to mean that an  
10 eligible adult is a victim of abuse, neglect, or self-neglect  
11 for the sole reason that he or she is being furnished with or  
12 relies upon treatment by spiritual means through prayer alone,  
13 in accordance with the tenets and practices of a recognized  
14 church or religious denomination.

15 Nothing in this Act shall be construed to mean that an  
16 eligible adult is a victim of abuse because of health care  
17 services provided or not provided by licensed health care  
18 professionals.

19 (a-5) "Abuser" means a person who abuses, neglects, or  
20 financially exploits an eligible adult.

21 (a-7) "Caregiver" means a person who either as a result of  
22 a family relationship, voluntarily, or in exchange for  
23 compensation has assumed responsibility for all or a portion of  
24 the care of an eligible adult who needs assistance with  
25 activities of daily living.

1           (b) "Department" means the Department on Aging of the State  
2 of Illinois.

3           (c) "Director" means the Director of the Department.

4           (d) "Domestic living situation" means a residence where the  
5 eligible adult lives alone or with his or her family or a  
6 caregiver, or others, or a board and care home or other  
7 community-based unlicensed facility, but is not:

8           (1) A licensed facility as defined in Section 1-113 of  
9 the Nursing Home Care Act;

10           (2) A "life care facility" as defined in the Life Care  
11 Facilities Act;

12           (3) A home, institution, or other place operated by the  
13 federal government or agency thereof or by the State of  
14 Illinois;

15           (4) A hospital, sanitarium, or other institution, the  
16 principal activity or business of which is the diagnosis,  
17 care, and treatment of human illness through the  
18 maintenance and operation of organized facilities  
19 therefor, which is required to be licensed under the  
20 Hospital Licensing Act;

21           (5) A "community living facility" as defined in the  
22 Community Living Facilities Licensing Act;

23           (6) (Blank);

24           (7) A "community-integrated living arrangement" as  
25 defined in the Community-Integrated Living Arrangements  
26 Licensure and Certification Act;

1           (8) An assisted living or shared housing establishment  
2           as defined in the Assisted Living and Shared Housing Act;  
3           or

4           (9) A supportive living facility as described in  
5           Section 5-5.01a of the Illinois Public Aid Code.

6           (e) "Eligible adult" means a person 60 years of age or  
7           older who resides in a domestic living situation and is, or is  
8           alleged to be, abused, neglected, or financially exploited by  
9           another individual or who neglects himself or herself.

10          (f) "Emergency" means a situation in which an eligible  
11          adult is living in conditions presenting a risk of death or  
12          physical, mental or sexual injury and the provider agency has  
13          reason to believe the eligible adult is unable to consent to  
14          services which would alleviate that risk.

15          (f-5) "Mandated reporter" means any of the following  
16          persons while engaged in carrying out their professional  
17          duties:

18                (1) a professional or professional's delegate while  
19                engaged in: (i) social services, (ii) law enforcement,  
20                (iii) education, (iv) the care of an eligible adult or  
21                eligible adults, or (v) any of the occupations required to  
22                be licensed under the Clinical Psychologist Licensing Act,  
23                the Clinical Social Work and Social Work Practice Act, the  
24                Illinois Dental Practice Act, the Dietetic and Nutrition  
25                Services Practice Act, the Marriage and Family Therapy  
26                Licensing Act, the Medical Practice Act of 1987, the

1 Naprapathic Practice Act, the Nurse Practice Act, the  
2 Nursing Home Administrators Licensing and Disciplinary  
3 Act, the Illinois Occupational Therapy Practice Act, the  
4 Illinois Optometric Practice Act of 1987, the Pharmacy  
5 Practice Act, the Illinois Physical Therapy Act, the  
6 Physician Assistant Practice Act of 1987, the Podiatric  
7 Medical Practice Act of 1987, the Respiratory Care Practice  
8 Act, the Professional Counselor and Clinical Professional  
9 Counselor Licensing Act, the Illinois Speech-Language  
10 Pathology and Audiology Practice Act, the Veterinary  
11 Medicine and Surgery Practice Act of 2004, and the Illinois  
12 Public Accounting Act;

13 (2) an employee of a vocational rehabilitation  
14 facility prescribed or supervised by the Department of  
15 Human Services;

16 (3) an administrator, employee, or person providing  
17 services in or through an unlicensed community based  
18 facility;

19 (4) any religious practitioner who provides treatment  
20 by prayer or spiritual means alone in accordance with the  
21 tenets and practices of a recognized church or religious  
22 denomination, except as to information received in any  
23 confession or sacred communication enjoined by the  
24 discipline of the religious denomination to be held  
25 confidential;

26 (5) field personnel of the Department of Healthcare and

1 Family Services, Department of Public Health, and  
2 Department of Human Services, and any county or municipal  
3 health department;

4 (6) personnel of the Department of Human Services, the  
5 Guardianship and Advocacy Commission, the State Fire  
6 Marshal, local fire departments, the Department on Aging  
7 and its subsidiary Area Agencies on Aging and provider  
8 agencies, and the Office of State Long Term Care Ombudsman;

9 (7) any employee of the State of Illinois not otherwise  
10 specified herein who is involved in providing services to  
11 eligible adults, including professionals providing medical  
12 or rehabilitation services and all other persons having  
13 direct contact with eligible adults;

14 (8) a person who performs the duties of a coroner or  
15 medical examiner; or

16 (9) a person who performs the duties of a paramedic or  
17 an emergency medical technician.

18 (g) "Neglect" means another individual's failure to  
19 provide an eligible adult with or willful withholding from an  
20 eligible adult the necessities of life including, but not  
21 limited to, food, clothing, shelter or health care. This  
22 subsection does not create any new affirmative duty to provide  
23 support to eligible adults. Nothing in this Act shall be  
24 construed to mean that an eligible adult is a victim of neglect  
25 because of health care services provided or not provided by  
26 licensed health care professionals.

1           (h) "Provider agency" means any public or nonprofit agency  
2 in a planning and service area appointed by the regional  
3 administrative agency with prior approval by the Department on  
4 Aging to receive and assess reports of alleged or suspected  
5 abuse, neglect, or financial exploitation.

6           (i) "Regional administrative agency" means any public or  
7 nonprofit agency in a planning and service area so designated  
8 by the Department, provided that the designated Area Agency on  
9 Aging shall be designated the regional administrative agency if  
10 it so requests. The Department shall assume the functions of  
11 the regional administrative agency for any planning and service  
12 area where another agency is not so designated.

13           (i-5) "Self-neglect" means a condition that is the result  
14 of an eligible adult's inability, due to physical or mental  
15 impairments, or both, or a diminished capacity, to perform  
16 essential self-care tasks that substantially threaten his or  
17 her own health, including: providing essential food, clothing,  
18 shelter, and health care; and obtaining goods and services  
19 necessary to maintain physical health, mental health,  
20 emotional well-being, and general safety. The term includes  
21 compulsive hoarding, which is characterized by the acquisition  
22 and retention of large quantities of items and materials that  
23 produce an extensively cluttered living space, which  
24 significantly impairs the performance of essential self-care  
25 tasks or otherwise substantially threatens life or safety.

26           (j) "Substantiated case" means a reported case of alleged

1 or suspected abuse, neglect, financial exploitation, or  
2 self-neglect in which a provider agency, after assessment,  
3 determines that there is reason to believe abuse, neglect, or  
4 financial exploitation has occurred.

5 (Source: P.A. 95-639, eff. 10-5-07; 95-689, eff. 10-29-07;  
6 95-876, eff. 8-21-08; 96-526, eff. 1-1-10; 96-572, eff.1-1-10;  
7 revised 9-25-09.)

8 (Text of Section after amendment by P.A. 96-339)

9 Sec. 2. Definitions. As used in this Act, unless the  
10 context requires otherwise:

11 (a) "Abuse" means causing any physical, mental or sexual  
12 injury to an eligible adult, including exploitation of such  
13 adult's financial resources.

14 Nothing in this Act shall be construed to mean that an  
15 eligible adult is a victim of abuse, neglect, or self-neglect  
16 for the sole reason that he or she is being furnished with or  
17 relies upon treatment by spiritual means through prayer alone,  
18 in accordance with the tenets and practices of a recognized  
19 church or religious denomination.

20 Nothing in this Act shall be construed to mean that an  
21 eligible adult is a victim of abuse because of health care  
22 services provided or not provided by licensed health care  
23 professionals.

24 (a-5) "Abuser" means a person who abuses, neglects, or  
25 financially exploits an eligible adult.

1           (a-7) "Caregiver" means a person who either as a result of  
2 a family relationship, voluntarily, or in exchange for  
3 compensation has assumed responsibility for all or a portion of  
4 the care of an eligible adult who needs assistance with  
5 activities of daily living.

6           (b) "Department" means the Department on Aging of the State  
7 of Illinois.

8           (c) "Director" means the Director of the Department.

9           (d) "Domestic living situation" means a residence where the  
10 eligible adult lives alone or with his or her family or a  
11 caregiver, or others, or a board and care home or other  
12 community-based unlicensed facility, but is not:

13                 (1) A licensed facility as defined in Section 1-113 of  
14 the Nursing Home Care Act;

15                 (1.5) A facility licensed under the MR/DD Community  
16 Care Act;

17                 (2) A "life care facility" as defined in the Life Care  
18 Facilities Act;

19                 (3) A home, institution, or other place operated by the  
20 federal government or agency thereof or by the State of  
21 Illinois;

22                 (4) A hospital, sanitarium, or other institution, the  
23 principal activity or business of which is the diagnosis,  
24 care, and treatment of human illness through the  
25 maintenance and operation of organized facilities  
26 therefor, which is required to be licensed under the

1 Hospital Licensing Act;

2 (5) A "community living facility" as defined in the  
3 Community Living Facilities Licensing Act;

4 (6) (Blank);

5 (7) A "community-integrated living arrangement" as  
6 defined in the Community-Integrated Living Arrangements  
7 Licensure and Certification Act;

8 (8) An assisted living or shared housing establishment  
9 as defined in the Assisted Living and Shared Housing Act;

10 or

11 (9) A supportive living facility as described in  
12 Section 5-5.01a of the Illinois Public Aid Code.

13 (e) "Eligible adult" means a person 60 years of age or  
14 older who resides in a domestic living situation and is, or is  
15 alleged to be, abused, neglected, or financially exploited by  
16 another individual or who neglects himself or herself.

17 (f) "Emergency" means a situation in which an eligible  
18 adult is living in conditions presenting a risk of death or  
19 physical, mental or sexual injury and the provider agency has  
20 reason to believe the eligible adult is unable to consent to  
21 services which would alleviate that risk.

22 (f-5) "Mandated reporter" means any of the following  
23 persons while engaged in carrying out their professional  
24 duties:

25 (1) a professional or professional's delegate while  
26 engaged in: (i) social services, (ii) law enforcement,

1 (iii) education, (iv) the care of an eligible adult or  
2 eligible adults, or (v) any of the occupations required to  
3 be licensed under the Clinical Psychologist Licensing Act,  
4 the Clinical Social Work and Social Work Practice Act, the  
5 Illinois Dental Practice Act, the Dietetic and Nutrition  
6 Services Practice Act, the Marriage and Family Therapy  
7 Licensing Act, the Medical Practice Act of 1987, the  
8 Naprapathic Practice Act, the Nurse Practice Act, the  
9 Nursing Home Administrators Licensing and Disciplinary  
10 Act, the Illinois Occupational Therapy Practice Act, the  
11 Illinois Optometric Practice Act of 1987, the Pharmacy  
12 Practice Act, the Illinois Physical Therapy Act, the  
13 Physician Assistant Practice Act of 1987, the Podiatric  
14 Medical Practice Act of 1987, the Respiratory Care Practice  
15 Act, the Professional Counselor and Clinical Professional  
16 Counselor Licensing Act, the Illinois Speech-Language  
17 Pathology and Audiology Practice Act, the Veterinary  
18 Medicine and Surgery Practice Act of 2004, and the Illinois  
19 Public Accounting Act;

20 (2) an employee of a vocational rehabilitation  
21 facility prescribed or supervised by the Department of  
22 Human Services;

23 (3) an administrator, employee, or person providing  
24 services in or through an unlicensed community based  
25 facility;

26 (4) any religious practitioner who provides treatment

1 by prayer or spiritual means alone in accordance with the  
2 tenets and practices of a recognized church or religious  
3 denomination, except as to information received in any  
4 confession or sacred communication enjoined by the  
5 discipline of the religious denomination to be held  
6 confidential;

7 (5) field personnel of the Department of Healthcare and  
8 Family Services, Department of Public Health, and  
9 Department of Human Services, and any county or municipal  
10 health department;

11 (6) personnel of the Department of Human Services, the  
12 Guardianship and Advocacy Commission, the State Fire  
13 Marshal, local fire departments, the Department on Aging  
14 and its subsidiary Area Agencies on Aging and provider  
15 agencies, and the Office of State Long Term Care Ombudsman;

16 (7) any employee of the State of Illinois not otherwise  
17 specified herein who is involved in providing services to  
18 eligible adults, including professionals providing medical  
19 or rehabilitation services and all other persons having  
20 direct contact with eligible adults;

21 (8) a person who performs the duties of a coroner or  
22 medical examiner; or

23 (9) a person who performs the duties of a paramedic or  
24 an emergency medical technician.

25 (g) "Neglect" means another individual's failure to  
26 provide an eligible adult with or willful withholding from an

1 eligible adult the necessities of life including, but not  
2 limited to, food, clothing, shelter or health care. This  
3 subsection does not create any new affirmative duty to provide  
4 support to eligible adults. Nothing in this Act shall be  
5 construed to mean that an eligible adult is a victim of neglect  
6 because of health care services provided or not provided by  
7 licensed health care professionals.

8 (h) "Provider agency" means any public or nonprofit agency  
9 in a planning and service area appointed by the regional  
10 administrative agency with prior approval by the Department on  
11 Aging to receive and assess reports of alleged or suspected  
12 abuse, neglect, or financial exploitation.

13 (i) "Regional administrative agency" means any public or  
14 nonprofit agency in a planning and service area so designated  
15 by the Department, provided that the designated Area Agency on  
16 Aging shall be designated the regional administrative agency if  
17 it so requests. The Department shall assume the functions of  
18 the regional administrative agency for any planning and service  
19 area where another agency is not so designated.

20 (i-5) "Self-neglect" means a condition that is the result  
21 of an eligible adult's inability, due to physical or mental  
22 impairments, or both, or a diminished capacity, to perform  
23 essential self-care tasks that substantially threaten his or  
24 her own health, including: providing essential food, clothing,  
25 shelter, and health care; and obtaining goods and services  
26 necessary to maintain physical health, mental health,

1 emotional well-being, and general safety. The term includes  
2 compulsive hoarding, which is characterized by the acquisition  
3 and retention of large quantities of items and materials that  
4 produce an extensively cluttered living space, which  
5 significantly impairs the performance of essential self-care  
6 tasks or otherwise substantially threatens life or safety.

7 (j) "Substantiated case" means a reported case of alleged  
8 or suspected abuse, neglect, financial exploitation, or  
9 self-neglect in which a provider agency, after assessment,  
10 determines that there is reason to believe abuse, neglect, or  
11 financial exploitation has occurred.

12 (Source: P.A. 95-639, eff. 10-5-07; 95-689, eff. 10-29-07;  
13 95-876, eff. 8-21-08; 96-339, eff. 7-1-10; 96-526, eff. 1-1-10;  
14 96-572, eff. 1-1-10; revised 9-25-09.)

15 (320 ILCS 20/3) (from Ch. 23, par. 6603)

16 Sec. 3. Responsibilities.

17 (a) The Department shall establish, design and manage a  
18 program of response and services for persons 60 years of age  
19 and older who have been, or are alleged to be, victims of  
20 abuse, neglect, financial exploitation, or self-neglect. The  
21 Department shall contract with or fund or, contract with and  
22 fund, regional administrative agencies, provider agencies, or  
23 both, for the provision of those functions, and, contingent on  
24 adequate funding, with attorneys or legal services provider  
25 agencies for the provision of legal assistance pursuant to this

1 Act. The program shall include the following services for  
2 eligible adults who have been removed from their residences for  
3 the purpose of cleanup or repairs: temporary housing;  
4 counseling; and caseworker services to try to ensure that the  
5 conditions necessitating the removal do not reoccur.

6 (b) Each regional administrative agency shall designate  
7 provider agencies within its planning and service area with  
8 prior approval by the Department on Aging, monitor the use of  
9 services, provide technical assistance to the provider  
10 agencies and be involved in program development activities.

11 (c) Provider agencies shall assist, to the extent possible,  
12 eligible adults who need agency services to allow them to  
13 continue to function independently. Such assistance shall  
14 include but not be limited to receiving reports of alleged or  
15 suspected abuse, neglect, financial exploitation, or  
16 self-neglect, conducting face-to-face assessments of such  
17 reported cases, determination of substantiated cases, referral  
18 of substantiated cases for necessary support services,  
19 referral of criminal conduct to law enforcement in accordance  
20 with Department guidelines, and provision of case work and  
21 follow-up services on substantiated cases. In the case of a  
22 report of alleged or suspected abuse or neglect that places an  
23 eligible adult at risk of injury or death, a provider agency  
24 shall respond to the report on an emergency basis in accordance  
25 with guidelines established by the Department by  
26 administrative rule and shall ensure that it is capable of

1 responding to such a report 24 hours per day, 7 days per week.  
2 A provider agency may use an on-call system to respond to  
3 reports of alleged or suspected abuse or neglect after hours  
4 and on weekends.

5 (d) Upon sufficient appropriations to implement a  
6 statewide program, the Department shall implement a program,  
7 based on the recommendations of the Elder Self-Neglect Steering  
8 Committee, for (i) responding to reports of possible  
9 self-neglect, (ii) protecting the autonomy, rights, privacy,  
10 and privileges of adults during investigations of possible  
11 self-neglect and consequential judicial proceedings regarding  
12 competency, (iii) collecting and sharing relevant information  
13 and data among the Department, provider agencies, regional  
14 administrative agencies, and relevant seniors, (iv) developing  
15 working agreements between provider agencies and law  
16 enforcement, where practicable, and (v) developing procedures  
17 for collecting data regarding incidents of self-neglect.

18 (Source: P.A. 95-76, eff. 6-1-08; 96-526, eff. 1-1-10; 96-572,  
19 eff. 1-1-10; revised 9-25-09.)

20 (320 ILCS 20/4) (from Ch. 23, par. 6604)

21 Sec. 4. Reports of abuse or neglect.

22 (a) Any person who suspects the abuse, neglect, financial  
23 exploitation, or self-neglect of an eligible adult may report  
24 this suspicion to an agency designated to receive such reports  
25 under this Act or to the Department.

1           (a-5) If any mandated reporter has reason to believe that  
2 an eligible adult, who because of dysfunction is unable to seek  
3 assistance for himself or herself, has, within the previous 12  
4 months, been subjected to abuse, neglect, or financial  
5 exploitation, the mandated reporter shall, within 24 hours  
6 after developing such belief, report this suspicion to an  
7 agency designated to receive such reports under this Act or to  
8 the Department. Whenever a mandated reporter is required to  
9 report under this Act in his or her capacity as a member of the  
10 staff of a medical or other public or private institution,  
11 facility, board and care home, or agency, he or she shall make  
12 a report to an agency designated to receive such reports under  
13 this Act or to the Department in accordance with the provisions  
14 of this Act and may also notify the person in charge of the  
15 institution, facility, board and care home, or agency or his or  
16 her designated agent that the report has been made. Under no  
17 circumstances shall any person in charge of such institution,  
18 facility, board and care home, or agency, or his or her  
19 designated agent to whom the notification has been made,  
20 exercise any control, restraint, modification, or other change  
21 in the report or the forwarding of the report to an agency  
22 designated to receive such reports under this Act or to the  
23 Department. The privileged quality of communication between  
24 any professional person required to report and his or her  
25 patient or client shall not apply to situations involving  
26 abused, neglected, or financially exploited eligible adults

1 and shall not constitute grounds for failure to report as  
2 required by this Act.

3 (a-7) A person making a report under this Act in the belief  
4 that it is in the alleged victim's best interest shall be  
5 immune from criminal or civil liability or professional  
6 disciplinary action on account of making the report,  
7 notwithstanding any requirements concerning the  
8 confidentiality of information with respect to such eligible  
9 adult which might otherwise be applicable.

10 (a-9) Law enforcement officers shall continue to report  
11 incidents of alleged abuse pursuant to the Illinois Domestic  
12 Violence Act of 1986, notwithstanding any requirements under  
13 this Act.

14 (b) Any person, institution or agency participating in the  
15 making of a report, providing information or records related to  
16 a report, assessment, or services, or participating in the  
17 investigation of a report under this Act in good faith, or  
18 taking photographs or x-rays as a result of an authorized  
19 assessment, shall have immunity from any civil, criminal or  
20 other liability in any civil, criminal or other proceeding  
21 brought in consequence of making such report or assessment or  
22 on account of submitting or otherwise disclosing such  
23 photographs or x-rays to any agency designated to receive  
24 reports of alleged or suspected abuse or neglect. Any person,  
25 institution or agency authorized by the Department to provide  
26 assessment, intervention, or administrative services under

1 this Act shall, in the good faith performance of those  
2 services, have immunity from any civil, criminal or other  
3 liability in any civil, criminal, or other proceeding brought  
4 as a consequence of the performance of those services. For the  
5 purposes of any civil, criminal, or other proceeding, the good  
6 faith of any person required to report, permitted to report, or  
7 participating in an investigation of a report of alleged or  
8 suspected abuse, neglect, financial exploitation, or  
9 self-neglect shall be presumed.

10 (c) The identity of a person making a report of alleged or  
11 suspected abuse, neglect, financial exploitation, or  
12 self-neglect under this Act may be disclosed by the Department  
13 or other agency provided for in this Act only with such  
14 person's written consent or by court order.

15 (d) The Department shall by rule establish a system for  
16 filing and compiling reports made under this Act.

17 (e) Any physician who willfully fails to report as required  
18 by this Act shall be referred to the Illinois State Medical  
19 Disciplinary Board for action in accordance with subdivision  
20 (A) (22) of Section 22 of the Medical Practice Act of 1987. Any  
21 dentist or dental hygienist who willfully fails to report as  
22 required by this Act shall be referred to the Department of  
23 Professional Regulation for action in accordance with  
24 paragraph 19 of Section 23 of the Illinois Dental Practice Act.  
25 Any optometrist who willfully fails to report as required by  
26 this Act shall be referred to the Department of Financial and

1 Professional Regulation for action in accordance with  
2 paragraph (15) of subsection (a) of Section 24 of the Illinois  
3 Optometric Practice Act of 1987. Any other mandated reporter  
4 required by this Act to report suspected abuse, neglect, or  
5 financial exploitation who willfully fails to report the same  
6 is guilty of a Class A misdemeanor.

7 (Source: P.A. 96-378, eff. 1-1-10; 96-526, eff. 1-1-10; revised  
8 10-1-09.)

9 Section 515. The Senior Citizens and Disabled Persons  
10 Property Tax Relief and Pharmaceutical Assistance Act is  
11 amended by changing Section 5 as follows:

12 (320 ILCS 25/5) (from Ch. 67 1/2, par. 405)

13 Sec. 5. Procedure.

14 (a) In general. Claims must be filed after January 1, on  
15 forms prescribed by the Department. No claim may be filed more  
16 than one year after December 31 of the year for which the claim  
17 is filed. The pharmaceutical assistance identification card  
18 provided for in subsection (f) of Section 4 shall be valid for  
19 a period determined by the Department of Healthcare and Family  
20 Services.

21 (b) Claim is Personal. The right to file a claim under this  
22 Act shall be personal to the claimant and shall not survive his  
23 death, but such right may be exercised on behalf of a claimant  
24 by his legal guardian or attorney-in-fact. If a claimant dies

1 after having filed a timely claim, the amount thereof shall be  
2 disbursed to his surviving spouse or, if no spouse survives, to  
3 his surviving dependent minor children in equal parts, provided  
4 the spouse or child, as the case may be, resided with the  
5 claimant at the time he filed his claim. If at the time of  
6 disbursement neither the claimant nor his spouse is surviving,  
7 and no dependent minor children of the claimant are surviving  
8 the amount of the claim shall escheat to the State.

9 (c) One claim per household. Only one member of a household  
10 may file a claim under this Act in any calendar year; where  
11 both members of a household are otherwise entitled to claim a  
12 grant under this Act, they must agree as to which of them will  
13 file a claim for that year.

14 (d) (Blank).

15 (e) Pharmaceutical Assistance Procedures. The Department  
16 of Healthcare and Family Services shall determine eligibility  
17 for pharmaceutical assistance using the applicant's current  
18 income. The Department shall determine a person's current  
19 income in the manner provided by the Department by rule.

20 (f) A person may not under any circumstances charge a fee  
21 to a claimant under this Act for assistance in completing an  
22 application form for a property tax relief grant or  
23 pharmaceutical assistance under this Act.

24 (Source: P.A. 96-491, eff. 8-14-09; 96-804, eff. 1-1-10;  
25 revised 11-24-09.)

1           Section 520. The Older Adult Services Act is amended by  
2 changing Sections 25 and 30 as follows:

3           (320 ILCS 42/25)

4           Sec. 25. Older adult services restructuring. No later than  
5 January 1, 2005, the Department shall commence the process of  
6 restructuring the older adult services delivery system.  
7 Priority shall be given to both the expansion of services and  
8 the development of new services in priority service areas.  
9 Subject to the availability of funding, the restructuring shall  
10 include, but not be limited to, the following:

11           (1) Planning. The Department on Aging and the Departments  
12 of Public Health and Healthcare and Family Services shall  
13 develop a plan to restructure the State's service delivery  
14 system for older adults pursuant to this Act no later than  
15 September 30, 2010. The plan shall include a schedule for the  
16 implementation of the initiatives outlined in this Act and all  
17 other initiatives identified by the participating agencies to  
18 fulfill the purposes of this Act and shall protect the rights  
19 of all older Illinoisans to services based on their health  
20 circumstances and functioning level, regardless of whether  
21 they receive their care in their homes, in a community setting,  
22 or in a residential facility. Financing for older adult  
23 services shall be based on the principle that "money follows  
24 the individual" taking into account individual preference, but  
25 shall not jeopardize the health, safety, or level of care of

1 nursing home residents. The plan shall also identify potential  
2 impediments to delivery system restructuring and include any  
3 known regulatory or statutory barriers.

4 (2) Comprehensive case management. The Department shall  
5 implement a statewide system of holistic comprehensive case  
6 management. The system shall include the identification and  
7 implementation of a universal, comprehensive assessment tool  
8 to be used statewide to determine the level of functional,  
9 cognitive, socialization, and financial needs of older adults.  
10 This tool shall be supported by an electronic intake,  
11 assessment, and care planning system linked to a central  
12 location. "Comprehensive case management" includes services  
13 and coordination such as (i) comprehensive assessment of the  
14 older adult (including the physical, functional, cognitive,  
15 psycho-social, and social needs of the individual); (ii)  
16 development and implementation of a service plan with the older  
17 adult to mobilize the formal and family resources and services  
18 identified in the assessment to meet the needs of the older  
19 adult, including coordination of the resources and services  
20 with any other plans that exist for various formal services,  
21 such as hospital discharge plans, and with the information and  
22 assistance services; (iii) coordination and monitoring of  
23 formal and family service delivery, including coordination and  
24 monitoring to ensure that services specified in the plan are  
25 being provided; (iv) periodic reassessment and revision of the  
26 status of the older adult with the older adult or, if

1 necessary, the older adult's designated representative; and  
2 (v) in accordance with the wishes of the older adult, advocacy  
3 on behalf of the older adult for needed services or resources.

4 (3) Coordinated point of entry. The Department shall  
5 implement and publicize a statewide coordinated point of entry  
6 using a uniform name, identity, logo, and toll-free number.

7 (4) Public web site. The Department shall develop a public  
8 web site that provides links to available services, resources,  
9 and reference materials concerning caregiving, diseases, and  
10 best practices for use by professionals, older adults, and  
11 family caregivers.

12 (5) Expansion of older adult services. The Department shall  
13 expand older adult services that promote independence and  
14 permit older adults to remain in their own homes and  
15 communities.

16 (6) Consumer-directed home and community-based services.  
17 The Department shall expand the range of service options  
18 available to permit older adults to exercise maximum choice and  
19 control over their care.

20 (7) Comprehensive delivery system. The Department shall  
21 expand opportunities for older adults to receive services in  
22 systems that integrate acute and chronic care.

23 (8) Enhanced transition and follow-up services. The  
24 Department shall implement a program of transition from one  
25 residential setting to another and follow-up services,  
26 regardless of residential setting, pursuant to rules with

1 respect to (i) resident eligibility, (ii) assessment of the  
2 resident's health, cognitive, social, and financial needs,  
3 (iii) development of transition plans, and (iv) the level of  
4 services that must be available before transitioning a resident  
5 from one setting to another.

6 (9) Family caregiver support. The Department shall develop  
7 strategies for public and private financing of services that  
8 supplement and support family caregivers.

9 (10) Quality standards and quality improvement. The  
10 Department shall establish a core set of uniform quality  
11 standards for all providers that focus on outcomes and take  
12 into consideration consumer choice and satisfaction, and the  
13 Department shall require each provider to implement a  
14 continuous quality improvement process to address consumer  
15 issues. The continuous quality improvement process must  
16 benchmark performance, be person-centered and data-driven, and  
17 focus on consumer satisfaction.

18 (11) Workforce. The Department shall develop strategies to  
19 attract and retain a qualified and stable worker pool, provide  
20 living wages and benefits, and create a work environment that  
21 is conducive to long-term employment and career development.  
22 Resources such as grants, education, and promotion of career  
23 opportunities may be used.

24 (12) Coordination of services. The Department shall  
25 identify methods to better coordinate service networks to  
26 maximize resources and minimize duplication of services and

1 ease of application.

2 (13) Barriers to services. The Department shall identify  
3 barriers to the provision, availability, and accessibility of  
4 services and shall implement a plan to address those barriers.  
5 The plan shall: (i) identify barriers, including but not  
6 limited to, statutory and regulatory complexity, reimbursement  
7 issues, payment issues, and labor force issues; (ii) recommend  
8 changes to State or federal laws or administrative rules or  
9 regulations; (iii) recommend application for federal waivers  
10 to improve efficiency and reduce cost and paperwork; (iv)  
11 develop innovative service delivery models; and (v) recommend  
12 application for federal or private service grants.

13 (14) Reimbursement and funding. The Department shall  
14 investigate and evaluate costs and payments by defining costs  
15 to implement a uniform, audited provider cost reporting system  
16 to be considered by all Departments in establishing payments.  
17 To the extent possible, multiple cost reporting mandates shall  
18 not be imposed.

19 (15) Medicaid nursing home cost containment and Medicare  
20 utilization. The Department of Healthcare and Family Services  
21 (formerly Department of Public Aid), in collaboration with the  
22 Department on Aging and the Department of Public Health and in  
23 consultation with the Advisory Committee, shall propose a plan  
24 to contain Medicaid nursing home costs and maximize Medicare  
25 utilization. The plan must not impair the ability of an older  
26 adult to choose among available services. The plan shall

1 include, but not be limited to, (i) techniques to maximize the  
2 use of the most cost-effective services without sacrificing  
3 quality and (ii) methods to identify and serve older adults in  
4 need of minimal services to remain independent, but who are  
5 likely to develop a need for more extensive services in the  
6 absence of those minimal services.

7 (16) Bed reduction. The Department of Public Health shall  
8 implement a nursing home conversion program to reduce the  
9 number of Medicaid-certified nursing home beds in areas with  
10 excess beds. The Department of Healthcare and Family Services  
11 shall investigate changes to the Medicaid nursing facility  
12 reimbursement system in order to reduce beds. Such changes may  
13 include, but are not limited to, incentive payments that will  
14 enable facilities to adjust to the restructuring and expansion  
15 of services required by the Older Adult Services Act, including  
16 adjustments for the voluntary closure or layaway of nursing  
17 home beds certified under Title XIX of the federal Social  
18 Security Act. Any savings shall be reallocated to fund  
19 home-based or community-based older adult services pursuant to  
20 Section 20.

21 (17) Financing. The Department shall investigate and  
22 evaluate financing options for older adult services and shall  
23 make recommendations in the report required by Section 15  
24 concerning the feasibility of these financing arrangements.  
25 These arrangements shall include, but are not limited to:

26 (A) private long-term care insurance coverage for

1 older adult services;

2 (B) enhancement of federal long-term care financing  
3 initiatives;

4 (C) employer benefit programs such as medical savings  
5 accounts for long-term care;

6 (D) individual and family cost-sharing options;

7 (E) strategies to reduce reliance on government  
8 programs;

9 (F) fraudulent asset divestiture and financial  
10 planning prevention; and

11 (G) methods to supplement and support family and  
12 community caregiving.

13 (18) Older Adult Services Demonstration Grants. The  
14 Department shall implement a program of demonstration grants  
15 that will assist in the restructuring of the older adult  
16 services delivery system, and shall provide funding for  
17 innovative service delivery models and system change and  
18 integration initiatives pursuant to subsection (g) of Section  
19 20.

20 (19) Bed need methodology update. For the purposes of  
21 determining areas with excess beds, the Departments shall  
22 provide information and assistance to the Health Facilities and  
23 Services Review Board to update the Bed Need Methodology for  
24 Long-Term Care to update the assumptions used to establish the  
25 methodology to make them consistent with modern older adult  
26 services.

1           (20) Affordable housing. The Departments shall utilize the  
2 recommendations of Illinois' Annual Comprehensive Housing  
3 Plan, as developed by the Affordable Housing Task Force through  
4 the Governor's Executive Order 2003-18, in their efforts to  
5 address the affordable housing needs of older adults.

6           The Older Adult Services Advisory Committee shall  
7 investigate innovative and promising practices operating as  
8 demonstration or pilot projects in Illinois and in other  
9 states. The Department on Aging shall provide the Older Adult  
10 Services Advisory Committee with a list of all demonstration or  
11 pilot projects funded by the Department on Aging, including  
12 those specified by rule, law, policy memorandum, or funding  
13 arrangement. The Committee shall work with the Department on  
14 Aging to evaluate the viability of expanding these programs  
15 into other areas of the State.

16           (Source: P.A. 96-31, eff. 6-30-09; 96-248, eff. 8-11-09;  
17 revised 9-4-09.)

18           (320 ILCS 42/30)

19           Sec. 30. Nursing home conversion program.

20           (a) The Department of Public Health, in collaboration with  
21 the Department on Aging and the Department of Healthcare and  
22 Family Services, shall establish a nursing home conversion  
23 program. Start-up grants, pursuant to subsections (l) and (m)  
24 of this Section, shall be made available to nursing homes as  
25 appropriations permit as an incentive to reduce certified beds,

1 retrofit, and retool operations to meet new service delivery  
2 expectations and demands.

3 (b) Grant moneys shall be made available for capital and  
4 other costs related to: (1) the conversion of all or a part of  
5 a nursing home to an assisted living establishment or a special  
6 program or unit for persons with Alzheimer's disease or related  
7 disorders licensed under the Assisted Living and Shared Housing  
8 Act or a supportive living facility established under Section  
9 5-5.01a of the Illinois Public Aid Code; (2) the conversion of  
10 multi-resident bedrooms in the facility into single-occupancy  
11 rooms; and (3) the development of any of the services  
12 identified in a priority service plan that can be provided by a  
13 nursing home within the confines of a nursing home or  
14 transportation services. Grantees shall be required to provide  
15 a minimum of a 20% match toward the total cost of the project.

16 (c) Nothing in this Act shall prohibit the co-location of  
17 services or the development of multifunctional centers under  
18 subsection (f) of Section 20, including a nursing home offering  
19 community-based services or a community provider establishing  
20 a residential facility.

21 (d) A certified nursing home with at least 50% of its  
22 resident population having their care paid for by the Medicaid  
23 program is eligible to apply for a grant under this Section.

24 (e) Any nursing home receiving a grant under this Section  
25 shall reduce the number of certified nursing home beds by a  
26 number equal to or greater than the number of beds being

1 converted for one or more of the permitted uses under item (1)  
2 or (2) of subsection (b). The nursing home shall retain the  
3 Certificate of Need for its nursing and sheltered care beds  
4 that were converted for 15 years. If the beds are reinstated by  
5 the provider or its successor in interest, the provider shall  
6 pay to the fund from which the grant was awarded, on an  
7 amortized basis, the amount of the grant. The Department shall  
8 establish, by rule, the bed reduction methodology for nursing  
9 homes that receive a grant pursuant to item (3) of subsection  
10 (b).

11 (f) Any nursing home receiving a grant under this Section  
12 shall agree that, for a minimum of 10 years after the date that  
13 the grant is awarded, a minimum of 50% of the nursing home's  
14 resident population shall have their care paid for by the  
15 Medicaid program. If the nursing home provider or its successor  
16 in interest ceases to comply with the requirement set forth in  
17 this subsection, the provider shall pay to the fund from which  
18 the grant was awarded, on an amortized basis, the amount of the  
19 grant.

20 (g) Before awarding grants, the Department of Public Health  
21 shall seek recommendations from the Department on Aging and the  
22 Department of Healthcare and Family Services. The Department of  
23 Public Health shall attempt to balance the distribution of  
24 grants among geographic regions, and among small and large  
25 nursing homes. The Department of Public Health shall develop,  
26 by rule, the criteria for the award of grants based upon the

1 following factors:

2 (1) the unique needs of older adults (including those  
3 with moderate and low incomes), caregivers, and providers  
4 in the geographic area of the State the grantee seeks to  
5 serve;

6 (2) whether the grantee proposes to provide services in  
7 a priority service area;

8 (3) the extent to which the conversion or transition  
9 will result in the reduction of certified nursing home beds  
10 in an area with excess beds;

11 (4) the compliance history of the nursing home; and

12 (5) any other relevant factors identified by the  
13 Department, including standards of need.

14 (h) A conversion funded in whole or in part by a grant  
15 under this Section must not:

16 (1) diminish or reduce the quality of services  
17 available to nursing home residents;

18 (2) force any nursing home resident to involuntarily  
19 accept home-based or community-based services instead of  
20 nursing home services;

21 (3) diminish or reduce the supply and distribution of  
22 nursing home services in any community below the level of  
23 need, as defined by the Department by rule; or

24 (4) cause undue hardship on any person who requires  
25 nursing home care.

26 (i) The Department shall prescribe, by rule, the grant

1 application process. At a minimum, every application must  
2 include:

3 (1) the type of grant sought;

4 (2) a description of the project;

5 (3) the objective of the project;

6 (4) the likelihood of the project meeting identified  
7 needs;

8 (5) the plan for financing, administration, and  
9 evaluation of the project;

10 (6) the timetable for implementation;

11 (7) the roles and capabilities of responsible  
12 individuals and organizations;

13 (8) documentation of collaboration with other service  
14 providers, local community government leaders, and other  
15 stakeholders, other providers, and any other stakeholders  
16 in the community;

17 (9) documentation of community support for the  
18 project, including support by other service providers,  
19 local community government leaders, and other  
20 stakeholders;

21 (10) the total budget for the project;

22 (11) the financial condition of the applicant; and

23 (12) any other application requirements that may be  
24 established by the Department by rule.

25 (j) A conversion project funded in whole or in part by a  
26 grant under this Section is exempt from the requirements of the

1 Illinois Health Facilities Planning Act. The Department of  
2 Public Health, however, shall send to the Health Facilities and  
3 Services Review Board a copy of each grant award made under  
4 this Section.

5 (k) Applications for grants are public information, except  
6 that nursing home financial condition and any proprietary data  
7 shall be classified as nonpublic data.

8 (l) The Department of Public Health may award grants from  
9 the Long Term Care Civil Money Penalties Fund established under  
10 Section 1919(h) (2) (A) (ii) of the Social Security Act and 42 CFR  
11 488.422(g) if the award meets federal requirements.

12 (m) The Nursing Home Conversion Fund is created as a  
13 special fund in the State treasury. Moneys appropriated by the  
14 General Assembly or transferred from other sources for the  
15 purposes of this Section shall be deposited into the Fund. All  
16 interest earned on moneys in the fund shall be credited to the  
17 fund. Moneys contained in the fund shall be used to support the  
18 purposes of this Section.

19 (Source: P.A. 95-331, eff. 8-21-07; 96-31, eff. 6-30-09;  
20 96-758, eff. 8-25-09; revised 10-6-09.)

21 Section 525. The Early Intervention Services System Act is  
22 amended by changing Section 13.50 as follows:

23 (325 ILCS 20/13.50)

24 Sec. 13.50. Early Intervention Legislative Advisory

1 Committee. No later than 60 days after August 9, 2001 (the  
2 effective date of Public Act 92-307) ~~this amendatory Act of~~  
3 ~~92nd General Assembly~~, there shall be convened the Early  
4 Intervention Legislative Advisory Committee. The majority and  
5 minority leaders of the General Assembly shall each appoint 2  
6 members to the Committee. The Committee's term is for a period  
7 of 4 years, and the Committee shall publicly convene no less  
8 than 4 times per year. The Committee's responsibilities shall  
9 include, but not be limited to, providing guidance to the lead  
10 agency regarding programmatic and fiscal management and  
11 accountability, provider development and accountability,  
12 contracting, and program outcome measures. During the life of  
13 the Committee, on a quarterly basis, or more often as the  
14 Committee may request, the lead agency shall provide to the  
15 Committee, and simultaneously to the public, through postings  
16 on the lead agency's early intervention website, quarterly  
17 reports containing monthly data and other early intervention  
18 program information that the Committee requests. The first data  
19 report must be supplied no later than September 21, 2001, and  
20 must include the previous 2 quarters of data.

21 (Source: P.A. 92-307, eff. 8-9-01; 93-124, eff. 7-10-03;  
22 revised 11-4-09.)

23 Section 530. The Veterans' Health Insurance Program Act of  
24 2008 is amended by changing Sections 5 and 45 as follows:

1 (330 ILCS 126/5)

2 (Section scheduled to be repealed on January 1, 2012)

3 Sec. 5. Definitions. The following words have the following  
4 meanings:

5 "Department" means the Department of Healthcare and Family  
6 Services, or any successor agency.

7 "Director" means the Director of Healthcare and Family  
8 Services, or any successor agency.

9 "Medical assistance" means health care benefits provided  
10 under Article V of the Illinois Public Aid Code.

11 "Program" means the Veterans' Health Insurance Program.

12 "Resident" means an individual who has an Illinois  
13 residence, as provided in Section 5-3 of the Illinois Public  
14 Aid Code.

15 "Spouse" means the person who is the person who, under the  
16 laws of the State of Illinois, is married to an eligible  
17 veteran at the time of application and subsequent  
18 re-determinations for the Program and includes enrolled  
19 spouses surviving the death of veteran spouses.

20 "Veteran" means any person who has served in a branch of  
21 the United States military for greater than 180 days after  
22 initial training.

23 "Veterans ~~Veterans'~~ Affairs" or "VA" means the United  
24 States Department of Veterans ~~Veterans'~~ Affairs.

25 (Source: P.A. 95-755, eff. 7-25-08; 96-45, eff. 7-15-09;  
26 revised 11-4-09.)

1 (330 ILCS 126/45)

2 (Section scheduled to be repealed on January 1, 2012)

3 Sec. 45. Reporting.

4 (a) The Department shall prepare an annual report for  
5 submission to the General Assembly. The report shall be due to  
6 the General Assembly by January 1 of each year beginning in  
7 2009. This report shall include information regarding  
8 implementation of the Program, including the number of veterans  
9 or spouses enrolled and any available information regarding  
10 other benefits derived from the Program, including screening  
11 for and acquisition of other veterans' benefits through the  
12 Veterans' Service Officers and the Veterans' Assistance  
13 Commissions. This report may also include recommendations  
14 regarding improvements that may be made to the Program and  
15 regarding the extension of the repeal date set forth in Section  
16 85 of this Act.

17 (b) The Department shall also arrange for the conducting of  
18 an evaluation regarding the availability of and access to  
19 health care for veterans who are residents of Illinois, taking  
20 into consideration the program established by this Act,  
21 programs and services provided by the U.S. Department of  
22 Veterans Affairs, and programs and services otherwise provided  
23 by and available through other public and private entities. The  
24 evaluation shall determine whether there are limitations or  
25 barriers to care, gaps in service, or other deficits that

1 should be overcome to ensure that veterans are provided  
2 appropriate and high-quality care. The Department shall report  
3 on the results of this evaluation to the Governor and the  
4 General Assembly by March 1, 2010.

5 (Source: P.A. 95-755, eff. 7-25-08; 96-45, eff. 7-15-09; 96-82,  
6 eff. 7-27-09; revised 11-3-09.)

7 Section 535. The Community Services Act is amended by  
8 setting forth and renumbering multiple versions of Section 4.6  
9 as follows:

10 (405 ILCS 30/4.6)

11 Sec. 4.6. Closure and sale of State mental health or  
12 developmental disabilities facility.

13 (a) Whenever a State mental health facility operated by the  
14 Department of Human Services is closed and the real estate on  
15 which the facility is located is sold by the State, then, to  
16 the extent that net proceeds are realized from the sale of that  
17 real estate, those net proceeds must be directed toward  
18 providing other services and supports for persons with mental  
19 health needs. To that end, those net proceeds shall be  
20 deposited into the Community Mental Health Medicaid Trust Fund.

21 (b) Whenever a State developmental disabilities facility  
22 operated by the Department of Human Services is closed and the  
23 real estate on which the facility is located is sold by the  
24 State, then, to the extent that net proceeds are realized from

1 the sale of that real estate, those net proceeds must be  
2 directed toward providing other services and supports for  
3 persons with developmental disabilities needs. To that end,  
4 those net proceeds shall be deposited into the Community  
5 Developmental Disability Services Medicaid Trust Fund.

6 (c) In determining whether any net proceeds are realized  
7 from a sale of real estate described in subsection (a) or (b),  
8 the Division of Developmental Disabilities and the Division of  
9 Mental Health of the Department of Human Services shall each  
10 determine the money, if any, that shall be made available to  
11 ensure that life, safety, and care concerns, including  
12 infrastructure, are addressed so as to provide for persons with  
13 developmental disabilities or mental illness at the remaining  
14 respective State-operated facilities that will be expected to  
15 serve the individuals previously served at the closed facility.

16 (d) The purposes for which the net proceeds from a sale of  
17 real estate as provided in this Section may be used include,  
18 but are not limited to, the following:

19 (1) Providing for individuals with developmental  
20 disabilities and mental health needs the services and  
21 supports described in subsection (e) of Section 4.4.

22 (2) In the case of the closure of a mental health  
23 facility, the construction of a new facility to serve the  
24 needs of persons with mental health needs.

25 (3) In the case of the closure of a developmental  
26 disabilities facility, construction of a new facility to

1           serve the needs of persons with developmental disabilities  
2           needs.

3           (e) Whenever any net proceeds are realized from a sale of  
4           real estate as provided in this Section, the Department of  
5           Human Services shall share and discuss its plan or plans for  
6           using those net proceeds with advocates, advocacy  
7           organizations, and advisory groups whose mission includes  
8           advocacy for persons with developmental disabilities or  
9           persons with mental illness.

10          (Source: P.A. 96-660, eff. 8-25-09.)

11           (405 ILCS 30/4.7)

12           Sec. 4.7 ~~4.6~~. Children's Healthcare Partnership Pilot  
13           Program. The Department of Human Services shall participate in  
14           the Children's Healthcare Partnership Pilot Program  
15           established under Section 12-4.37 of the Illinois Public Aid  
16           Code and may fund the provision of community services under  
17           this Act in Sangamon County through participation in that pilot  
18           program.

19          (Source: P.A. 96-691, eff. 8-25-09; revised 10-24-09.)

20           Section 540. The Vital Records Act is amended by changing  
21           Sections 12 and 18 as follows:

22           (410 ILCS 535/12)

23           Sec. 12. Live births; place of registration.

1           (1) Each live birth which occurs in this State shall be  
2 registered with the local or subregistrar of the district in  
3 which the birth occurred as provided in this Section, within 7  
4 days after the birth. When a birth occurs on a moving  
5 conveyance, the city, village, township, or road district in  
6 which the child is first removed from the conveyance shall be  
7 considered the place of birth and a birth certificate shall be  
8 filed in the registration district in which the place is  
9 located.

10           (2) When a birth occurs in an institution, the person in  
11 charge of the institution or his designated representative  
12 shall obtain and record all the personal and statistical  
13 particulars relative to the parents of the child that are  
14 required to properly complete the live birth certificate; shall  
15 secure the required personal signatures on the hospital  
16 worksheet; shall prepare the certificate from this worksheet;  
17 and shall file the certificate with the local registrar. The  
18 institution shall retain the hospital worksheet permanently or  
19 as otherwise specified by rule. The physician in attendance  
20 shall verify or provide the date of birth and medical  
21 information required by the certificate, within 24 hours after  
22 the birth occurs.

23           (3) When a birth occurs outside an institution, the  
24 certificate shall be prepared and filed by one of the following  
25 in the indicated order of priority:

26           (a) The physician in attendance at or immediately after

1 the birth, or in the absence of such a person,

2 (b) Any other person in attendance at or immediately  
3 after the birth, or in the absence of such a person,

4 (c) The father, the mother, or in the absence of the  
5 father and the inability of the mother, the person in  
6 charge of the premises where the birth occurred.

7 (4) Unless otherwise provided in this Act, if the mother  
8 was not married to the father of the child at either the time  
9 of conception or the time of birth, the name of the father  
10 shall be entered on the child's birth certificate only if the  
11 mother and the person to be named as the father have signed an  
12 acknowledgment of parentage in accordance with subsection (5).

13 Unless otherwise provided in this Act, if the mother was  
14 married at the time of conception or birth and the presumed  
15 father (that is, the mother's husband) is not the biological  
16 father of the child, the name of the biological father shall be  
17 entered on the child's birth certificate only if, in accordance  
18 with subsection (5), (i) the mother and the person to be named  
19 as the father have signed an acknowledgment of parentage and  
20 (ii) the mother and presumed father have signed a denial of  
21 paternity.

22 (5) Upon the birth of a child to an unmarried woman, or  
23 upon the birth of a child to a woman who was married at the time  
24 of conception or birth and whose husband is not the biological  
25 father of the child, the institution at the time of birth and  
26 the local registrar or county clerk after the birth shall do

1 the following:

2 (a) Provide (i) an opportunity for the child's mother  
3 and father to sign an acknowledgment of parentage and (ii)  
4 if the presumed father is not the biological father, an  
5 opportunity for the mother and presumed father to sign a  
6 denial of paternity. The signing and witnessing of the  
7 acknowledgment of parentage or, if the presumed father of  
8 the child is not the biological father, the acknowledgment  
9 of parentage and denial of paternity conclusively  
10 establishes a parent and child relationship in accordance  
11 with Sections 5 and 6 of the Illinois Parentage Act of  
12 1984.

13 The Department of Healthcare and Family Services shall  
14 furnish the acknowledgment of parentage and denial of  
15 paternity form to institutions, county clerks, and State  
16 and local registrars' offices. The form shall include  
17 instructions to send the original signed and witnessed  
18 acknowledgment of parentage and denial of paternity to the  
19 Department of Healthcare and Family Services. The  
20 acknowledgement of paternity and denial of paternity form  
21 shall also include a statement informing the mother, the  
22 alleged father, and the presumed father, if any, that they  
23 have the right to request deoxyribonucleic acid (DNA) tests  
24 regarding the issue of the child's paternity and that by  
25 signing the form, they expressly waive such tests. The  
26 statement shall be set forth in bold-face ~~boldface~~ capital

1 letters not less than 0.25 inches in height.

2 (b) Provide the following documents, furnished by the  
3 Department of Healthcare and Family Services, to the  
4 child's mother, biological father, and (if the person  
5 presumed to be the child's father is not the biological  
6 father) presumed father for their review at the time the  
7 opportunity is provided to establish a parent and child  
8 relationship:

9 (i) An explanation of the implications of,  
10 alternatives to, legal consequences of, and the rights  
11 and responsibilities that arise from signing an  
12 acknowledgment of parentage and, if necessary, a  
13 denial of paternity, including an explanation of the  
14 parental rights and responsibilities of child support,  
15 visitation, custody, retroactive support, health  
16 insurance coverage, and payment of birth expenses.

17 (ii) An explanation of the benefits of having a  
18 child's parentage established and the availability of  
19 parentage establishment and child support enforcement  
20 services.

21 (iii) A request for an application for child  
22 support enforcement services from the Department of  
23 Healthcare and Family Services.

24 (iv) Instructions concerning the opportunity to  
25 speak, either by telephone or in person, with staff of  
26 the Department of Healthcare and Family Services who

1           are trained to clarify information and answer  
2           questions about paternity establishment.

3           (v) Instructions for completing and signing the  
4           acknowledgment of parentage and denial of paternity.

5           (c) Provide an oral explanation of the documents and  
6           instructions set forth in subdivision (5) (b), including an  
7           explanation of the implications of, alternatives to, legal  
8           consequences of, and the rights and responsibilities that  
9           arise from signing an acknowledgment of parentage and, if  
10          necessary, a denial of paternity. The oral explanation may  
11          be given in person or through the use of video or audio  
12          equipment.

13          (6) The institution, State or local registrar, or county  
14          clerk shall provide an opportunity for the child's father or  
15          mother to sign a rescission of parentage. The signing and  
16          witnessing of the rescission of parentage voids the  
17          acknowledgment of parentage and nullifies the presumption of  
18          paternity if executed and filed with the Department of  
19          Healthcare and Family Services (formerly Illinois Department  
20          of Public Aid) within the time frame contained in Section 5 of  
21          the Illinois Parentage Act of 1984. The Department of  
22          Healthcare and Family Services shall furnish the rescission of  
23          parentage form to institutions, county clerks, and State and  
24          local registrars' offices. The form shall include instructions  
25          to send the original signed and witnessed rescission of  
26          parentage to the Department of Healthcare and Family Services.

1           (7) An acknowledgment of paternity signed pursuant to  
2 Section 6 of the Illinois Parentage Act of 1984 may be  
3 challenged in court only on the basis of fraud, duress, or  
4 material mistake of fact, with the burden of proof upon the  
5 challenging party. Pending outcome of a challenge to the  
6 acknowledgment of paternity, the legal responsibilities of the  
7 signatories shall remain in full force and effect, except upon  
8 order of the court upon a showing of good cause.

9           (8) When the process for acknowledgment of parentage as  
10 provided for under subsection (5) establishes the paternity of  
11 a child whose certificate of birth is on file in another state,  
12 the Department of Healthcare and Family Services shall forward  
13 a copy of the acknowledgment of parentage, the denial of  
14 paternity, if applicable, and the rescission of parentage, if  
15 applicable, to the birth record agency of the state where the  
16 child's certificate of birth is on file.

17           (9) In the event the parent-child relationship has been  
18 established in accordance with subdivision (a)(1) of Section 6  
19 of the Parentage Act of 1984, the names of the biological  
20 mother and biological father so established shall be entered on  
21 the child's birth certificate, and the names of the surrogate  
22 mother and surrogate mother's husband, if any, shall not be on  
23 the birth certificate.

24           (Source: P.A. 95-331, eff. 8-21-07; 96-333, eff. 8-11-09;  
25 96-474, eff. 8-14-09; revised 9-4-09.)

1 (410 ILCS 535/18) (from Ch. 111 1/2, par. 73-18)

2 Sec. 18. (1) Each death which occurs in this State shall be  
3 registered by filing a death certificate with the local  
4 registrar of the district in which the death occurred or the  
5 body was found, within 7 days after such death (within 5 days  
6 if the death occurs prior to January 1, 1989) and prior to  
7 cremation or removal of the body from the State, except when  
8 death is subject to investigation by the coroner or medical  
9 examiner.

10 (a) For the purposes of this Section, if the place of  
11 death is unknown, a death certificate shall be filed in the  
12 registration district in which a dead body is found, which  
13 shall be considered the place of death.

14 (b) When a death occurs on a moving conveyance, the  
15 place where the body is first removed from the conveyance  
16 shall be considered the place of death and a death  
17 certificate shall be filed in the registration district in  
18 which such place is located.

19 (c) The funeral director who first assumes custody of a  
20 dead body shall be responsible for filing a completed death  
21 certificate. He shall obtain the personal data from the  
22 next of kin or the best qualified person or source  
23 available; he shall enter on the certificate the name,  
24 relationship, and address of his informant; he shall enter  
25 the date, place, and method of final disposition; he shall  
26 affix his own signature and enter his address; and shall

1 present the certificate to the person responsible for  
2 completing the medical certification of cause of death.

3 (2) The medical certification shall be completed and signed  
4 within 48 hours after death by the physician in charge of the  
5 patient's care for the illness or condition which resulted in  
6 death, except when death is subject to the coroner's or medical  
7 examiner's investigation. In the absence of the physician or  
8 with his approval, the medical certificate may be completed and  
9 signed by his associate physician, the chief medical officer of  
10 the institution in which death occurred or by the physician who  
11 performed an autopsy upon the decedent.

12 (3) When a death occurs without medical attendance, or when  
13 it is otherwise subject to the coroner's or medical examiner's  
14 investigation, the coroner or medical examiner shall be  
15 responsible for the completion of a coroner's or medical  
16 examiner's certificate of death and shall sign the medical  
17 certification within 48 hours after death, except as provided  
18 by regulation in special problem cases. If the decedent was  
19 under the age of 18 years at the time of his or her death, and  
20 the death was due to injuries suffered as a result of a motor  
21 vehicle backing over a child, or if the death occurred due to  
22 the power window of a motor vehicle, the coroner or medical  
23 examiner must send a copy of the medical certification, with  
24 information documenting that the death was due to a vehicle  
25 backing over the child or that the death was caused by a power  
26 window of a vehicle, to the Department of Children and Family

1 Services. The Department of Children and Family Services shall  
2 (i) collect this information for use by Child Death Review  
3 Teams and (ii) compile and maintain this information as part of  
4 its Annual Child Death Review Team Report to the General  
5 Assembly.

6 (3.5) The medical certification of cause of death shall  
7 expressly provide an opportunity for the person completing the  
8 certification to indicate that the death was caused in whole or  
9 in part by a dementia-related disease, Parkinson's Disease, or  
10 Parkinson-Dementia Complex.

11 (4) When the deceased was a veteran of any war of the  
12 United States, the funeral director shall prepare a  
13 "Certificate of Burial of U. S. War Veteran", as prescribed and  
14 furnished by the Illinois Department of Veterans' ~~Veterans~~  
15 Affairs, and submit such certificate to the Illinois Department  
16 of Veterans' ~~Veterans~~ Affairs monthly.

17 (5) When a death is presumed to have occurred in this State  
18 but the body cannot be located, a death certificate may be  
19 prepared by the State Registrar upon receipt of an order of a  
20 court of competent jurisdiction which includes the finding of  
21 facts required to complete the death certificate. Such death  
22 certificate shall be marked "Presumptive" and shall show on its  
23 face the date of the registration and shall identify the court  
24 and the date of the judgment.

25 (Source: P.A. 93-454, eff. 8-7-03; 94-671, eff. 8-23-05;  
26 revised 11-4-09.)

1 Section 545. The Environmental Protection Act is amended by  
2 changing Sections 3.330, 4, 22.38, and 42 as follows:

3 (415 ILCS 5/3.330) (was 415 ILCS 5/3.32)

4 Sec. 3.330. Pollution control facility.

5 (a) "Pollution control facility" is any waste storage site,  
6 sanitary landfill, waste disposal site, waste transfer  
7 station, waste treatment facility, or waste incinerator. This  
8 includes sewers, sewage treatment plants, and any other  
9 facilities owned or operated by sanitary districts organized  
10 under the Metropolitan Water Reclamation District Act.

11 The following are not pollution control facilities:

12 (1) (blank);

13 (2) waste storage sites regulated under 40 CFR, Part  
14 761.42;

15 (3) sites or facilities used by any person conducting a  
16 waste storage, waste treatment, waste disposal, waste  
17 transfer or waste incineration operation, or a combination  
18 thereof, for wastes generated by such person's own  
19 activities, when such wastes are stored, treated, disposed  
20 of, transferred or incinerated within the site or facility  
21 owned, controlled or operated by such person, or when such  
22 wastes are transported within or between sites or  
23 facilities owned, controlled or operated by such person;

24 (4) sites or facilities at which the State is

1 performing removal or remedial action pursuant to Section  
2 22.2 or 55.3;

3 (5) abandoned quarries used solely for the disposal of  
4 concrete, earth materials, gravel, or aggregate debris  
5 resulting from road construction activities conducted by a  
6 unit of government or construction activities due to the  
7 construction and installation of underground pipes, lines,  
8 conduit or wires off of the premises of a public utility  
9 company which are conducted by a public utility;

10 (6) sites or facilities used by any person to  
11 specifically conduct a landscape composting operation;

12 (7) regional facilities as defined in the Central  
13 Midwest Interstate Low-Level Radioactive Waste Compact;

14 (8) the portion of a site or facility where coal  
15 combustion wastes are stored or disposed of in accordance  
16 with subdivision (r) (2) or (r) (3) of Section 21;

17 (9) the portion of a site or facility used for the  
18 collection, storage or processing of waste tires as defined  
19 in Title XIV;

20 (10) the portion of a site or facility used for  
21 treatment of petroleum contaminated materials by  
22 application onto or incorporation into the soil surface and  
23 any portion of that site or facility used for storage of  
24 petroleum contaminated materials before treatment. Only  
25 those categories of petroleum listed in Section 57.9(a) (3)  
26 are exempt under this subdivision (10);

1           (11) the portion of a site or facility where used oil  
2           is collected or stored prior to shipment to a recycling or  
3           energy recovery facility, provided that the used oil is  
4           generated by households or commercial establishments, and  
5           the site or facility is a recycling center or a business  
6           where oil or gasoline is sold at retail;

7           (11.5) processing sites or facilities that receive  
8           only on-specification used oil, as defined in 35 Ill.  
9           Admin. Code 739, originating from used oil collectors for  
10          processing that is managed under 35 Ill. Admin. Code 739 to  
11          produce products for sale to off-site petroleum  
12          facilities, if these processing sites or facilities are:  
13          (i) located within a home rule unit of local government  
14          with a population of at least 30,000 according to the 2000  
15          federal census, that home rule unit of local government has  
16          been designated as an Urban Round II Empowerment Zone by  
17          the United States Department of Housing and Urban  
18          Development, and that home rule unit of local government  
19          has enacted an ordinance approving the location of the site  
20          or facility and provided funding for the site or facility;  
21          and (ii) in compliance with all applicable zoning  
22          requirements;

23          (12) the portion of a site or facility utilizing coal  
24          combustion waste for stabilization and treatment of only  
25          waste generated on that site or facility when used in  
26          connection with response actions pursuant to the federal

1 Comprehensive Environmental Response, Compensation, and  
2 Liability Act of 1980, the federal Resource Conservation  
3 and Recovery Act of 1976, or the Illinois Environmental  
4 Protection Act or as authorized by the Agency;

5 (13) the portion of a site or facility accepting  
6 exclusively general construction or demolition debris,  
7 located in a county with a population over 500,000 as of  
8 January 1, 2000, and operated and located in accordance  
9 with Section 22.38 of this Act;

10 (14) the portion of a site or facility, located within  
11 a unit of local government that has enacted local zoning  
12 requirements, used to accept, separate, and process  
13 uncontaminated broken concrete, with or without protruding  
14 metal bars, provided that the uncontaminated broken  
15 concrete and metal bars are not speculatively accumulated,  
16 are at the site or facility no longer than one year after  
17 their acceptance, and are returned to the economic  
18 mainstream in the form of raw materials or products;

19 (15) the portion of a site or facility located in a  
20 county with a population over 3,000,000 that has obtained  
21 local siting approval under Section 39.2 of this Act for a  
22 municipal waste incinerator on or before July 1, 2005 and  
23 that is used for a non-hazardous waste transfer station;

24 (16) a site or facility that temporarily holds in  
25 transit for 10 days or less, non-petruscible solid waste in  
26 original containers, no larger in capacity than 500

1 gallons, provided that such waste is further transferred to  
2 a recycling, disposal, treatment, or storage facility on a  
3 non-contiguous site and provided such site or facility  
4 complies with the applicable 10-day transfer requirements  
5 of the federal Resource Conservation and Recovery Act of  
6 1976 and United States Department of Transportation  
7 hazardous material requirements. For purposes of this  
8 Section only, "non-petruscible solid waste" means waste  
9 other than municipal garbage that does not rot or become  
10 putrid, including, but not limited to, paints, solvent,  
11 filters, and absorbents;

12 (17) the portion of a site or facility located in a  
13 county with a population greater than 3,000,000 that has  
14 obtained local siting approval, under Section 39.2 of this  
15 Act, for a municipal waste incinerator on or before July 1,  
16 2005 and that is used for wood combustion facilities for  
17 energy recovery that accept and burn only wood material, as  
18 included in a fuel specification approved by the Agency;

19 (18) a transfer station used exclusively for landscape  
20 waste, including a transfer station where landscape waste  
21 is ground to reduce its volume, where the landscape waste  
22 is held no longer than 24 hours from the time it was  
23 received; and

24 (19) the portion of a site or facility that (i) is used  
25 for the composting of food scrap, livestock waste, crop  
26 residue, uncontaminated wood waste, or paper waste,

1 including, but not limited to, corrugated paper or  
2 cardboard, and (ii) meets all of the following  
3 requirements:

4 (A) There must not be more than a total of 30,000  
5 cubic yards of livestock waste in raw form or in the  
6 process of being composted at the site or facility at  
7 any one time.

8 (B) All food scrap, livestock waste, crop residue,  
9 uncontaminated wood waste, and paper waste must, by the  
10 end of each operating day, be processed and placed into  
11 an enclosed vessel in which air flow and temperature  
12 are controlled, or all of the following additional  
13 requirements must be met:

14 (i) The portion of the site or facility used  
15 for the composting operation must include a  
16 setback of at least 200 feet from the nearest  
17 potable water supply well.

18 (ii) The portion of the site or facility used  
19 for the composting operation must be located  
20 outside the boundary of the 10-year floodplain or  
21 floodproofed.

22 (iii) The portion of the site or facility used  
23 for the composting operation must be located at  
24 least one-eighth of a mile from the nearest  
25 residence, other than a residence located on the  
26 same property as the site or facility.

1 (iv) The portion of the site or facility used  
2 for the composting operation must be located at  
3 least one-eighth of a mile from the property line  
4 of all of the following areas:

5 (I) Facilities that primarily serve to  
6 house or treat people that are  
7 immunocompromised or immunosuppressed, such as  
8 cancer or AIDS patients; people with asthma,  
9 cystic fibrosis, or bioaerosol allergies; or  
10 children under the age of one year.

11 (II) Primary and secondary schools and  
12 adjacent areas that the schools use for  
13 recreation.

14 (III) Any facility for child care licensed  
15 under Section 3 of the Child Care Act of 1969;  
16 preschools; and adjacent areas that the  
17 facilities or preschools use for recreation.

18 (v) By the end of each operating day, all food  
19 scrap, livestock waste, crop residue,  
20 uncontaminated wood waste, and paper waste must be  
21 (i) processed into windrows or other piles and (ii)  
22 covered in a manner that prevents scavenging by  
23 birds and animals and that prevents other  
24 nuisances.

25 (C) Food scrap, livestock waste, crop residue,  
26 uncontaminated wood waste, paper waste, and compost

1 must not be placed within 5 feet of the water table.

2 (D) The site or facility must meet all of the  
3 requirements of the Wild and Scenic Rivers Act (16  
4 U.S.C. 1271 et seq.).

5 (E) The site or facility must not (i) restrict the  
6 flow of a 100-year flood, (ii) result in washout of  
7 food scrap, livestock waste, crop residue,  
8 uncontaminated wood waste, or paper waste from a  
9 100-year flood, or (iii) reduce the temporary water  
10 storage capacity of the 100-year floodplain, unless  
11 measures are undertaken to provide alternative storage  
12 capacity, such as by providing lagoons, holding tanks,  
13 or drainage around structures at the facility.

14 (F) The site or facility must not be located in any  
15 area where it may pose a threat of harm or destruction  
16 to the features for which:

17 (i) an irreplaceable historic or  
18 archaeological site has been listed under the  
19 National Historic Preservation Act (16 U.S.C. 470  
20 et seq.) or the Illinois Historic Preservation  
21 Act;

22 (ii) a natural landmark has been designated by  
23 the National Park Service or the Illinois State  
24 Historic Preservation Office; or

25 (iii) a natural area has been designated as a  
26 Dedicated Illinois Nature Preserve under the

1 Illinois Natural Areas Preservation Act.

2 (G) The site or facility must not be located in an  
3 area where it may jeopardize the continued existence of  
4 any designated endangered species, result in the  
5 destruction or adverse modification of the critical  
6 habitat for such species, or cause or contribute to the  
7 taking of any endangered or threatened species of  
8 plant, fish, or wildlife listed under the Endangered  
9 Species Act (16 U.S.C. 1531 et seq.) or the Illinois  
10 Endangered Species Protection Act.

11 (b) A new pollution control facility is:

12 (1) a pollution control facility initially permitted  
13 for development or construction after July 1, 1981; or

14 (2) the area of expansion beyond the boundary of a  
15 currently permitted pollution control facility; or

16 (3) a permitted pollution control facility requesting  
17 approval to store, dispose of, transfer or incinerate, for  
18 the first time, any special or hazardous waste.

19 (Source: P.A. 95-131, eff. 8-13-07; 95-177, eff. 1-1-08;  
20 95-331, eff. 8-21-07; 95-408, eff. 8-24-07; 95-876, eff.  
21 8-21-08; 96-418, eff. 1-1-10; 96-611, eff. 8-24-09; revised  
22 10-1-09.)

23 (415 ILCS 5/4) (from Ch. 111 1/2, par. 1004)

24 Sec. 4. Environmental Protection Agency; establishment;  
25 duties.

1           (a) There is established in the Executive Branch of the  
2 State Government an agency to be known as the Environmental  
3 Protection Agency. This Agency shall be under the supervision  
4 and direction of a Director who shall be appointed by the  
5 Governor with the advice and consent of the Senate. The term of  
6 office of the Director shall expire on the third Monday of  
7 January in odd numbered years, provided that he or she shall  
8 hold office until a successor is appointed and has qualified.  
9 The Director shall receive an annual salary as set by the  
10 Compensation Review Board. The Director, in accord with the  
11 Personnel Code, shall employ and direct such personnel, and  
12 shall provide for such laboratory and other facilities, as may  
13 be necessary to carry out the purposes of this Act. In  
14 addition, the Director may by agreement secure such services as  
15 he or she may deem necessary from any other department, agency,  
16 or unit of the State Government, and may employ and compensate  
17 such consultants and technical assistants as may be required.

18           (b) The Agency shall have the duty to collect and  
19 disseminate such information, acquire such technical data, and  
20 conduct such experiments as may be required to carry out the  
21 purposes of this Act, including ascertainment of the quantity  
22 and nature of discharges from any contaminant source and data  
23 on those sources, and to operate and arrange for the operation  
24 of devices for the monitoring of environmental quality.

25           (c) The Agency shall have authority to conduct a program of  
26 continuing surveillance and of regular or periodic inspection

1 of actual or potential contaminant or noise sources, of public  
2 water supplies, and of refuse disposal sites.

3 (d) In accordance with constitutional limitations, the  
4 Agency shall have authority to enter at all reasonable times  
5 upon any private or public property for the purpose of:

6 (1) Inspecting and investigating to ascertain possible  
7 violations of this Act, any rule or regulation adopted  
8 under this Act, any permit or term or condition of a  
9 permit, or any Board order; or

10 (2) In accordance with the provisions of this Act,  
11 taking whatever preventive or corrective action, including  
12 but not limited to removal or remedial action, that is  
13 necessary or appropriate whenever there is a release or a  
14 substantial threat of a release of (A) a hazardous  
15 substance or pesticide or (B) petroleum from an underground  
16 storage tank.

17 (e) The Agency shall have the duty to investigate  
18 violations of this Act, any rule or regulation adopted under  
19 this Act, any permit or term or condition of a permit, or any  
20 Board order; to issue administrative citations as provided in  
21 Section 31.1 of this Act; and to take such summary enforcement  
22 action as is provided for by Section 34 of this Act.

23 (f) The Agency shall appear before the Board in any hearing  
24 upon a petition for variance, the denial of a permit, or the  
25 validity or effect of a rule or regulation of the Board, and  
26 shall have the authority to appear before the Board in any

1 hearing under the Act.

2 (g) The Agency shall have the duty to administer, in accord  
3 with Title X of this Act, such permit and certification systems  
4 as may be established by this Act or by regulations adopted  
5 thereunder. The Agency may enter into written delegation  
6 agreements with any department, agency, or unit of State or  
7 local government under which all or portions of this duty may  
8 be delegated for public water supply storage and transport  
9 systems, sewage collection and transport systems, air  
10 pollution control sources with uncontrolled emissions of 100  
11 tons per year or less and application of algicides to waters of  
12 the State. Such delegation agreements will require that the  
13 work to be performed thereunder will be in accordance with  
14 Agency criteria, subject to Agency review, and shall include  
15 such financial and program auditing by the Agency as may be  
16 required.

17 (h) The Agency shall have authority to require the  
18 submission of complete plans and specifications from any  
19 applicant for a permit required by this Act or by regulations  
20 thereunder, and to require the submission of such reports  
21 regarding actual or potential violations of this Act, any rule  
22 or regulation adopted under this Act, any permit or term or  
23 condition of a permit, or any Board order, as may be necessary  
24 for the purposes of this Act.

25 (i) The Agency shall have authority to make recommendations  
26 to the Board for the adoption of regulations under Title VII of

1 the Act.

2 (j) The Agency shall have the duty to represent the State  
3 of Illinois in any and all matters pertaining to plans,  
4 procedures, or negotiations for interstate compacts or other  
5 governmental arrangements relating to environmental  
6 protection.

7 (k) The Agency shall have the authority to accept, receive,  
8 and administer on behalf of the State any grants, gifts, loans,  
9 indirect cost reimbursements, or other funds made available to  
10 the State from any source for purposes of this Act or for air  
11 or water pollution control, public water supply, solid waste  
12 disposal, noise abatement, or other environmental protection  
13 activities, surveys, or programs. Any federal funds received by  
14 the Agency pursuant to this subsection shall be deposited in a  
15 trust fund with the State Treasurer and held and disbursed by  
16 him in accordance with Treasurer as Custodian of Funds Act,  
17 provided that such monies shall be used only for the purposes  
18 for which they are contributed and any balance remaining shall  
19 be returned to the contributor.

20 The Agency is authorized to promulgate such regulations and  
21 enter into such contracts as it may deem necessary for carrying  
22 out the provisions of this subsection.

23 (l) The Agency is hereby designated as water pollution  
24 agency for the state for all purposes of the Federal Water  
25 Pollution Control Act, as amended; as implementing agency for  
26 the State for all purposes of the Safe Drinking Water Act,

1 Public Law 93-523, as now or hereafter amended, except Section  
2 1425 of that Act; as air pollution agency for the state for all  
3 purposes of the Clean Air Act of 1970, Public Law 91-604,  
4 approved December 31, 1970, as amended; and as solid waste  
5 agency for the state for all purposes of the Solid Waste  
6 Disposal Act, Public Law 89-272, approved October 20, 1965, and  
7 amended by the Resource Recovery Act of 1970, Public Law  
8 91-512, approved October 26, 1970, as amended, and amended by  
9 the Resource Conservation and Recovery Act of 1976, (P.L.  
10 94-580) approved October 21, 1976, as amended; as noise control  
11 agency for the state for all purposes of the Noise Control Act  
12 of 1972, Public Law 92-574, approved October 27, 1972, as  
13 amended; and as implementing agency for the State for all  
14 purposes of the Comprehensive Environmental Response,  
15 Compensation, and Liability Act of 1980 (P.L. 96-510), as  
16 amended; and otherwise as pollution control agency for the  
17 State pursuant to federal laws integrated with the foregoing  
18 laws, for financing purposes or otherwise. The Agency is hereby  
19 authorized to take all action necessary or appropriate to  
20 secure to the State the benefits of such federal Acts, provided  
21 that the Agency shall transmit to the United States without  
22 change any standards adopted by the Pollution Control Board  
23 pursuant to Section 5(c) of this Act. This subsection (1) of  
24 Section 4 shall not be construed to bar or prohibit the  
25 Environmental Protection Trust Fund Commission from accepting,  
26 receiving, and administering on behalf of the State any grants,

1 gifts, loans or other funds for which the Commission is  
2 eligible pursuant to the Environmental Protection Trust Fund  
3 Act. The Agency is hereby designated as the State agency for  
4 all purposes of administering the requirements of Section 313  
5 of the federal Emergency Planning and Community Right-to-Know  
6 Act of 1986.

7 Any municipality, sanitary district, or other political  
8 subdivision, or any Agency of the State or interstate Agency,  
9 which makes application for loans or grants under such federal  
10 Acts shall notify the Agency of such application; the Agency  
11 may participate in proceedings under such federal Acts.

12 (m) The Agency shall have authority, consistent with  
13 Section 5(c) and other provisions of this Act, and for purposes  
14 of Section 303(e) of the Federal Water Pollution Control Act,  
15 as now or hereafter amended, to engage in planning processes  
16 and activities and to develop plans in cooperation with units  
17 of local government, state agencies and officers, and other  
18 appropriate persons in connection with the jurisdiction or  
19 duties of each such unit, agency, officer or person. Public  
20 hearings shall be held on the planning process, at which any  
21 person shall be permitted to appear and be heard, pursuant to  
22 procedural regulations promulgated by the Agency.

23 (n) In accordance with the powers conferred upon the Agency  
24 by Sections 10(g), 13(b), 19, 22(d) and 25 of this Act, the  
25 Agency shall have authority to establish and enforce minimum  
26 standards for the operation of laboratories relating to

1 analyses and laboratory tests for air pollution, water  
2 pollution, noise emissions, contaminant discharges onto land  
3 and sanitary, chemical, and mineral quality of water  
4 distributed by a public water supply. The Agency may enter into  
5 formal working agreements with other departments or agencies of  
6 state government under which all or portions of this authority  
7 may be delegated to the cooperating department or agency.

8 (o) The Agency shall have the authority to issue  
9 certificates of competency to persons and laboratories meeting  
10 the minimum standards established by the Agency in accordance  
11 with Section 4(n) of this Act and to promulgate and enforce  
12 regulations relevant to the issuance and use of such  
13 certificates. The Agency may enter into formal working  
14 agreements with other departments or agencies of state  
15 government under which all or portions of this authority may be  
16 delegated to the cooperating department or agency.

17 (p) Except as provided in Section 17.7, the Agency shall  
18 have the duty to analyze samples as required from each public  
19 water supply to determine compliance with the contaminant  
20 levels specified by the Pollution Control Board. The maximum  
21 number of samples which the Agency shall be required to analyze  
22 for microbiological quality shall be 6 per month, but the  
23 Agency may, at its option, analyze a larger number each month  
24 for any supply. Results of sample analyses for additional  
25 required bacteriological testing, turbidity, residual chlorine  
26 and radionuclides are to be provided to the Agency in

1 accordance with Section 19. Owners of water supplies may enter  
2 into agreements with the Agency to provide for reduced Agency  
3 participation in sample analyses.

4 (q) The Agency shall have the authority to provide notice  
5 to any person who may be liable pursuant to Section 22.2(f) of  
6 this Act for a release or a substantial threat of a release of  
7 a hazardous substance or pesticide. Such notice shall include  
8 the identified response action and an opportunity for such  
9 person to perform the response action.

10 (r) The Agency may enter into written delegation agreements  
11 with any unit of local government under which it may delegate  
12 all or portions of its inspecting, investigating and  
13 enforcement functions. Such delegation agreements shall  
14 require that work performed thereunder be in accordance with  
15 Agency criteria and subject to Agency review. Notwithstanding  
16 any other provision of law to the contrary, no unit of local  
17 government shall be liable for any injury resulting from the  
18 exercise of its authority pursuant to such a delegation  
19 agreement unless the injury is proximately caused by the  
20 willful and wanton negligence of an agent or employee of the  
21 unit of local government, and any policy of insurance coverage  
22 issued to a unit of local government may provide for the denial  
23 of liability and the nonpayment of claims based upon injuries  
24 for which the unit of local government is not liable pursuant  
25 to this subsection (r).

26 (s) The Agency shall have authority to take whatever

1 preventive or corrective action is necessary or appropriate,  
2 including but not limited to expenditure of monies appropriated  
3 from the Build Illinois Bond Fund and the Build Illinois  
4 Purposes Fund for removal or remedial action, whenever any  
5 hazardous substance or pesticide is released or there is a  
6 substantial threat of such a release into the environment. The  
7 State, the Director, and any State employee shall be  
8 indemnified for any damages or injury arising out of or  
9 resulting from any action taken under this subsection. The  
10 Director of the Agency is authorized to enter into such  
11 contracts and agreements as are necessary to carry out the  
12 Agency's duties under this subsection.

13 (t) The Agency shall have authority to distribute grants,  
14 subject to appropriation by the General Assembly, to units of  
15 local government for financing and construction of wastewater  
16 facilities in both incorporated and unincorporated areas. With  
17 respect to all monies appropriated from the Build Illinois Bond  
18 Fund and the Build Illinois Purposes Fund for wastewater  
19 facility grants, the Agency shall make distributions in  
20 conformity with the rules and regulations established pursuant  
21 to the Anti-Pollution Bond Act, as now or hereafter amended.

22 (u) Pursuant to the Illinois Administrative Procedure Act,  
23 the Agency shall have the authority to adopt such rules as are  
24 necessary or appropriate for the Agency to implement Section  
25 31.1 of this Act.

26 (v) (Blank.)

1 (w) Neither the State, nor the Director, nor the Board, nor  
2 any State employee shall be liable for any damages or injury  
3 arising out of or resulting from any action taken under  
4 subsection (s).

5 (x)(1) The Agency shall have authority to distribute  
6 grants, subject to appropriation by the General Assembly,  
7 to units of local government for financing and construction  
8 of public water supply facilities. With respect to all  
9 monies appropriated from the Build Illinois Bond Fund or  
10 the Build Illinois Purposes Fund for public water supply  
11 grants, such grants shall be made in accordance with rules  
12 promulgated by the Agency. Such rules shall include a  
13 requirement for a local match of 30% of the total project  
14 cost for projects funded through such grants.

15 (2) The Agency shall not terminate a grant to a unit of  
16 local government for the financing and construction of  
17 public water supply facilities unless and until the Agency  
18 adopts rules that set forth precise and complete standards,  
19 pursuant to Section 5-20 of the Illinois Administrative  
20 Procedure Act, for the termination of such grants. The  
21 Agency shall not make determinations on whether specific  
22 grant conditions are necessary to ensure the integrity of a  
23 project or on whether subagreements shall be awarded, with  
24 respect to grants for the financing and construction of  
25 public water supply facilities, unless and until the Agency  
26 adopts rules that set forth precise and complete standards,

1           pursuant to Section 5-20 of the Illinois Administrative  
2           Procedure Act, for making such determinations. The Agency  
3           shall not issue a stop-work order in relation to such  
4           grants unless and until the Agency adopts precise and  
5           complete standards, pursuant to Section 5-20 of the  
6           Illinois Administrative Procedure Act, for determining  
7           whether to issue a stop-work order.

8           (y) The Agency shall have authority to release any person  
9           from further responsibility for preventive or corrective  
10          action under this Act following successful completion of  
11          preventive or corrective action undertaken by such person upon  
12          written request by the person.

13          (z) To the extent permitted by any applicable federal law  
14          or regulation, for all work performed for State construction  
15          projects which are funded in whole or in part by a capital  
16          infrastructure bill enacted by the 96th General Assembly by  
17          sums appropriated to the Environmental Protection Agency, at  
18          least 50% of the total labor hours must be performed by actual  
19          residents of the State of Illinois. For purposes of this  
20          subsection, "actual residents of the State of Illinois" means  
21          persons domiciled in the State of Illinois. The Department of  
22          Labor shall promulgate rules providing for the enforcement of  
23          this subsection.

24          (Source: P.A. 96-37, eff. 7-13-09; 96-503, eff. 8-14-09;  
25          96-800, eff. 10-30-09; revised 11-23-09.)

1 (415 ILCS 5/22.38)

2 Sec. 22.38. Facilities accepting exclusively general  
3 construction or demolition debris for transfer, storage, or  
4 treatment.

5 (a) Facilities accepting exclusively general construction  
6 or demolition debris for transfer, storage, or treatment shall  
7 be subject to local zoning, ordinance, and land use  
8 requirements. Those facilities shall be located in accordance  
9 with local zoning requirements or, in the absence of local  
10 zoning requirements, shall be located so that no part of the  
11 facility boundary is closer than 1,320 feet from the nearest  
12 property zoned for primarily residential use.

13 (b) An owner or operator of a facility accepting  
14 exclusively general construction or demolition debris for  
15 transfer, storage, or treatment shall:

16 (1) Within 48 hours of receipt of the general  
17 construction or demolition debris at the facility, sort the  
18 general construction or demolition debris to separate the  
19 recyclable general construction or demolition debris and  
20 recovered wood that is processed for use as fuel from  
21 non-recyclable general construction or demolition debris  
22 to be disposed of or discarded.

23 (2) Transport off site for disposal all non-recyclable  
24 general construction or demolition debris that is neither  
25 recyclable general construction or demolition debris nor  
26 recovered wood that is processed for use as fuel in

1           accordance with all applicable federal, State, and local  
2           requirements within 72 hours of its receipt at the  
3           facility.

4           (3) Limit the percentage of incoming non-recyclable  
5           general construction or demolition debris to 25% or less of  
6           the total incoming general construction or demolition  
7           debris, as calculated on a daily basis, so that 75% or more  
8           of the general construction or demolition debris accepted  
9           on a daily basis consists of recyclable general  
10          construction or demolition debris, recovered wood that is  
11          processed for use as fuel, or both.

12          (4) Transport all non-putrescible recyclable general  
13          construction or demolition debris for recycling or  
14          disposal within 6 months of its receipt at the facility.

15          (5) Within ~~within~~ 45 days of its receipt at the  
16          facility, transport ~~Transport~~ (i) all putrescible or  
17          combustible recyclable general construction or demolition  
18          debris (excluding recovered wood that is processed for use  
19          as fuel) for recycling or disposal<sup>+</sup> and (ii) all recovered  
20          wood that is processed for use as fuel to an intermediate  
21          processing facility for sizing, to a combustion facility  
22          for use as fuel, or to a disposal facility<sup>+</sup>.

23          (6) Employ tagging and recordkeeping procedures to (i)  
24          demonstrate compliance with this Section and (ii) identify  
25          the source and transporter of material accepted by the  
26          facility.

1           (7) Control odor, noise, combustion of materials,  
2 disease vectors, dust, and litter.

3           (8) Control, manage, and dispose of any storm water  
4 runoff and leachate generated at the facility in accordance  
5 with applicable federal, State, and local requirements.

6           (9) Control access to the facility.

7           (10) Comply with all applicable federal, State, or  
8 local requirements for the handling, storage,  
9 transportation, or disposal of asbestos-containing  
10 material or other material accepted at the facility that is  
11 not general construction or demolition debris.

12           (11) Prior to August 24, 2009 (the effective date of  
13 Public Act 96-611) ~~this amendatory Act of the 96th General~~  
14 ~~Assembly~~, submit to the Agency at least 30 days prior to  
15 the initial acceptance of general construction or  
16 demolition debris at the facility, on forms provided by the  
17 Agency, the following information:

18           (A) the name, address, and telephone number of both  
19 the facility owner and operator;

20           (B) the street address and location of the  
21 facility;

22           (C) a description of facility operations;

23           (D) a description of the tagging and recordkeeping  
24 procedures the facility will employ to (i) demonstrate  
25 compliance with this Section and (ii) identify the  
26 source and transporter of any material accepted by the

1 facility;

2 (E) the name and location of the disposal sites to  
3 be used for the disposal of any general construction or  
4 demolition debris received at the facility that must be  
5 disposed of;

6 (F) the name and location of an individual,  
7 facility, or business to which recyclable materials  
8 will be transported;

9 (G) the name and location of intermediate  
10 processing facilities or combustion facilities to  
11 which recovered wood that is processed for use as fuel  
12 will be transported; and

13 (H) other information as specified on the form  
14 provided by the Agency.

15 (12) On or after August 24, 2009 (the effective date of  
16 Public Act 96-611) ~~this amendatory Act of the 96th General~~  
17 ~~Assembly~~, obtain a permit issued by the Agency prior to the  
18 initial acceptance of general construction or demolition  
19 debris at the facility.

20 When any of the information contained or processes  
21 described in the initial notification form submitted to the  
22 Agency changes, the owner and operator shall submit an  
23 updated form within 14 days of the change.

24 (c) For purposes of this Section, the term "recyclable  
25 general construction or demolition debris" means general  
26 construction or demolition debris that has been rendered

1 reusable and is reused or that would otherwise be disposed of  
2 or discarded but is collected, separated, or processed and  
3 returned to the economic mainstream in the form of raw  
4 materials or products. "Recyclable general construction or  
5 demolition debris" does not include general construction or  
6 demolition debris processed for use as fuel, incinerated,  
7 burned, buried, or otherwise used as fill material.

8 (d) For purposes of this Section, "treatment" means  
9 processing designed to alter the physical nature of the general  
10 construction or demolition debris, including but not limited to  
11 size reduction, crushing, grinding, or homogenization, but  
12 does not include processing designed to change the chemical  
13 nature of the general construction or demolition debris.

14 (e) For purposes of this Section, "recovered wood that is  
15 processed for use as fuel" means wood that has been salvaged  
16 from general construction or demolition debris and processed  
17 for use as fuel, as authorized by the applicable state or  
18 federal environmental regulatory authority, and supplied only  
19 to intermediate processing facilities for sizing, or to  
20 combustion facilities for use as fuel, that have obtained all  
21 necessary waste management and air permits for handling and  
22 combustion of the fuel.

23 (f) For purposes of this Section, "non-recyclable general  
24 construction or demolition debris" does not include "recovered  
25 wood that is processed for use as fuel".

26 (g) Recyclable general construction or demolition debris

1 or recovered wood that is processed for use as fuel that is  
2 sent for disposal at the end of the applicable retention period  
3 shall not be considered as meeting the 75% diversion  
4 requirement for purposes of subdivision (b) (3) of this Section.  
5 (Source: P.A. 96-235, eff. 8-11-09; 96-611, eff. 8-24-09;  
6 revised 9-15-09.)

7 (415 ILCS 5/42) (from Ch. 111 1/2, par. 1042)

8 Sec. 42. Civil penalties.

9 (a) Except as provided in this Section, any person that  
10 violates any provision of this Act or any regulation adopted by  
11 the Board, or any permit or term or condition thereof, or that  
12 violates any order of the Board pursuant to this Act, shall be  
13 liable for a civil penalty of not to exceed \$50,000 for the  
14 violation and an additional civil penalty of not to exceed  
15 \$10,000 for each day during which the violation continues; such  
16 penalties may, upon order of the Board or a court of competent  
17 jurisdiction, be made payable to the Environmental Protection  
18 Trust Fund, to be used in accordance with the provisions of the  
19 Environmental Protection Trust Fund Act.

20 (b) Notwithstanding the provisions of subsection (a) of  
21 this Section:

22 (1) Any person that violates Section 12(f) of this Act  
23 or any NPDES permit or term or condition thereof, or any  
24 filing requirement, regulation or order relating to the  
25 NPDES permit program, shall be liable to a civil penalty of

1 not to exceed \$10,000 per day of violation.

2 (2) Any person that violates Section 12(g) of this Act  
3 or any UIC permit or term or condition thereof, or any  
4 filing requirement, regulation or order relating to the  
5 State UIC program for all wells, except Class II wells as  
6 defined by the Board under this Act, shall be liable to a  
7 civil penalty not to exceed \$2,500 per day of violation;  
8 provided, however, that any person who commits such  
9 violations relating to the State UIC program for Class II  
10 wells, as defined by the Board under this Act, shall be  
11 liable to a civil penalty of not to exceed \$10,000 for the  
12 violation and an additional civil penalty of not to exceed  
13 \$1,000 for each day during which the violation continues.

14 (3) Any person that violates Sections 21(f), 21(g),  
15 21(h) or 21(i) of this Act, or any RCRA permit or term or  
16 condition thereof, or any filing requirement, regulation  
17 or order relating to the State RCRA program, shall be  
18 liable to a civil penalty of not to exceed \$25,000 per day  
19 of violation.

20 (4) In an administrative citation action under Section  
21 31.1 of this Act, any person found to have violated any  
22 provision of subsection (o) of Section 21 of this Act shall  
23 pay a civil penalty of \$500 for each violation of each such  
24 provision, plus any hearing costs incurred by the Board and  
25 the Agency. Such penalties shall be made payable to the  
26 Environmental Protection Trust Fund, to be used in

1           accordance with the provisions of the Environmental  
2           Protection Trust Fund Act; except that if a unit of local  
3           government issued the administrative citation, 50% of the  
4           civil penalty shall be payable to the unit of local  
5           government.

6           (4-5) In an administrative citation action under  
7           Section 31.1 of this Act, any person found to have violated  
8           any provision of subsection (p) of Section 21 or subsection  
9           (k) of Section 55 of this Act shall pay a civil penalty of  
10          \$1,500 for each violation of each such provision, plus any  
11          hearing costs incurred by the Board and the Agency, except  
12          that the civil penalty amount shall be \$3,000 for each  
13          violation of any provision of subsection (p) of Section 21  
14          or subsection (k) of Section 55 that is the person's second  
15          or subsequent adjudication violation of that provision.  
16          The penalties shall be deposited into the Environmental  
17          Protection Trust Fund, to be used in accordance with the  
18          provisions of the Environmental Protection Trust Fund Act;  
19          except that if a unit of local government issued the  
20          administrative citation, 50% of the civil penalty shall be  
21          payable to the unit of local government.

22          (5) Any person who violates subsection 6 of Section  
23          39.5 of this Act or any CAAPP permit, or term or condition  
24          thereof, or any fee or filing requirement, or any duty to  
25          allow or carry out inspection, entry or monitoring  
26          activities, or any regulation or order relating to the

1 CAAPP shall be liable for a civil penalty not to exceed  
2 \$10,000 per day of violation.

3 (6) Any owner or operator of a community water system  
4 that violates subsection (b) of Section 18.1 or subsection  
5 (a) of Section 25d-3 of this Act shall, for each day of  
6 violation, be liable for a civil penalty not to exceed \$5  
7 for each of the premises connected to the affected  
8 community water system.

9 (b.5) In lieu of the penalties set forth in subsections (a)  
10 and (b) of this Section, any person who fails to file, in a  
11 timely manner, toxic chemical release forms with the Agency  
12 pursuant to Section 25b-2 of this Act shall be liable for a  
13 civil penalty of \$100 per day for each day the forms are late,  
14 not to exceed a maximum total penalty of \$6,000. This daily  
15 penalty shall begin accruing on the thirty-first day after the  
16 date that the person receives the warning notice issued by the  
17 Agency pursuant to Section 25b-6 of this Act; and the penalty  
18 shall be paid to the Agency. The daily accrual of penalties  
19 shall cease as of January 1 of the following year. All  
20 penalties collected by the Agency pursuant to this subsection  
21 shall be deposited into the Environmental Protection Permit and  
22 Inspection Fund.

23 (c) Any person that violates this Act, any rule or  
24 regulation adopted under this Act, any permit or term or  
25 condition of a permit, or any Board order and causes the death  
26 of fish or aquatic life shall, in addition to the other

1 penalties provided by this Act, be liable to pay to the State  
2 an additional sum for the reasonable value of the fish or  
3 aquatic life destroyed. Any money so recovered shall be placed  
4 in the Wildlife and Fish Fund in the State Treasury.

5 (d) The penalties provided for in this Section may be  
6 recovered in a civil action.

7 (e) The State's Attorney of the county in which the  
8 violation occurred, or the Attorney General, may, at the  
9 request of the Agency or on his own motion, institute a civil  
10 action for an injunction, prohibitory or mandatory, to restrain  
11 violations of this Act, any rule or regulation adopted under  
12 this Act, any permit or term or condition of a permit, or any  
13 Board order, or to require such other actions as may be  
14 necessary to address violations of this Act, any rule or  
15 regulation adopted under this Act, any permit or term or  
16 condition of a permit, or any Board order.

17 (f) The State's Attorney of the county in which the  
18 violation occurred, or the Attorney General, shall bring such  
19 actions in the name of the people of the State of Illinois.  
20 Without limiting any other authority which may exist for the  
21 awarding of attorney's fees and costs, the Board or a court of  
22 competent jurisdiction may award costs and reasonable  
23 attorney's fees, including the reasonable costs of expert  
24 witnesses and consultants, to the State's Attorney or the  
25 Attorney General in a case where he has prevailed against a  
26 person who has committed a wilful, knowing or repeated

1 violation of this Act, any rule or regulation adopted under  
2 this Act, any permit or term or condition of a permit, or any  
3 Board order.

4 Any funds collected under this subsection (f) in which the  
5 Attorney General has prevailed shall be deposited in the  
6 Hazardous Waste Fund created in Section 22.2 of this Act. Any  
7 funds collected under this subsection (f) in which a State's  
8 Attorney has prevailed shall be retained by the county in which  
9 he serves.

10 (g) All final orders imposing civil penalties pursuant to  
11 this Section shall prescribe the time for payment of such  
12 penalties. If any such penalty is not paid within the time  
13 prescribed, interest on such penalty at the rate set forth in  
14 subsection (a) of Section 1003 of the Illinois Income Tax Act,  
15 shall be paid for the period from the date payment is due until  
16 the date payment is received. However, if the time for payment  
17 is stayed during the pendency of an appeal, interest shall not  
18 accrue during such stay.

19 (h) In determining the appropriate civil penalty to be  
20 imposed under subdivisions (a), (b)(1), (b)(2), (b)(3), or  
21 (b)(5) of this Section, the Board is authorized to consider any  
22 matters of record in mitigation or aggravation of penalty,  
23 including but not limited to the following factors:

24 (1) the duration and gravity of the violation;

25 (2) the presence or absence of due diligence on the  
26 part of the respondent in attempting to comply with

1 requirements of this Act and regulations thereunder or to  
2 secure relief therefrom as provided by this Act;

3 (3) any economic benefits accrued by the respondent  
4 because of delay in compliance with requirements, in which  
5 case the economic benefits shall be determined by the  
6 lowest cost alternative for achieving compliance;

7 (4) the amount of monetary penalty which will serve to  
8 deter further violations by the respondent and to otherwise  
9 aid in enhancing voluntary compliance with this Act by the  
10 respondent and other persons similarly subject to the Act;

11 (5) the number, proximity in time, and gravity of  
12 previously adjudicated violations of this Act by the  
13 respondent;

14 (6) whether the respondent voluntarily self-disclosed,  
15 in accordance with subsection (i) of this Section, the  
16 non-compliance to the Agency; and

17 (7) whether the respondent has agreed to undertake a  
18 "supplemental environmental project," which means an  
19 environmentally beneficial project that a respondent  
20 agrees to undertake in settlement of an enforcement action  
21 brought under this Act, but which the respondent is not  
22 otherwise legally required to perform.

23 In determining the appropriate civil penalty to be imposed  
24 under subsection (a) or paragraph (1), (2), (3), or (5) of  
25 subsection (b) of this Section, the Board shall ensure, in all  
26 cases, that the penalty is at least as great as the economic

1 benefits, if any, accrued by the respondent as a result of the  
2 violation, unless the Board finds that imposition of such  
3 penalty would result in an arbitrary or unreasonable financial  
4 hardship. However, such civil penalty may be off-set in whole  
5 or in part pursuant to a supplemental environmental project  
6 agreed to by the complainant and the respondent.

7 (i) A person who voluntarily self-discloses non-compliance  
8 to the Agency, of which the Agency had been unaware, is  
9 entitled to a 100% reduction in the portion of the penalty that  
10 is not based on the economic benefit of non-compliance if the  
11 person can establish the following:

12 (1) that the non-compliance was discovered through an  
13 environmental audit or a compliance management system  
14 documented by the regulated entity as reflecting the  
15 regulated entity's due diligence in preventing, detecting,  
16 and correcting violations;

17 (2) that the non-compliance was disclosed in writing  
18 within 30 days of the date on which the person discovered  
19 it;

20 (3) that the non-compliance was discovered and  
21 disclosed prior to:

22 (i) the commencement of an Agency inspection,  
23 investigation, or request for information;

24 (ii) notice of a citizen suit;

25 (iii) the filing of a complaint by a citizen, the  
26 Illinois Attorney General, or the State's Attorney of

1 the county in which the violation occurred;

2 (iv) the reporting of the non-compliance by an  
3 employee of the person without that person's  
4 knowledge; or

5 (v) imminent discovery of the non-compliance by  
6 the Agency;

7 (4) that the non-compliance is being corrected and any  
8 environmental harm is being remediated in a timely fashion;

9 (5) that the person agrees to prevent a recurrence of  
10 the non-compliance;

11 (6) that no related non-compliance events have  
12 occurred in the past 3 years at the same facility or in the  
13 past 5 years as part of a pattern at multiple facilities  
14 owned or operated by the person;

15 (7) that the non-compliance did not result in serious  
16 actual harm or present an imminent and substantial  
17 endangerment to human health or the environment or violate  
18 the specific terms of any judicial or administrative order  
19 or consent agreement;

20 (8) that the person cooperates as reasonably requested  
21 by the Agency after the disclosure; and

22 (9) that the non-compliance was identified voluntarily  
23 and not through a monitoring, sampling, or auditing  
24 procedure that is required by statute, rule, permit,  
25 judicial or administrative order, or consent agreement.

26 If a person can establish all of the elements under this

1 subsection except the element set forth in paragraph (1) of  
2 this subsection, the person is entitled to a 75% reduction in  
3 the portion of the penalty that is not based upon the economic  
4 benefit of non-compliance.

5 (j) In addition to an other remedy or penalty that may  
6 apply, whether civil or criminal, any person who violates  
7 Section 22.52 of this Act shall be liable for an additional  
8 civil penalty of up to 3 times the gross amount of any  
9 pecuniary gain resulting from the violation.

10 (Source: P.A. 95-331, eff. 8-21-07; 96-603, eff. 8-24-09;  
11 96-737, eff. 8-25-09; revised 9-15-09.)

12 Section 550. The Lawn Care Products Application and Notice  
13 Act is amended by changing Section 6 as follows:

14 (415 ILCS 65/6) (from Ch. 5, par. 856)

15 Sec. 6. This Act shall be administered and enforced by the  
16 Department. The Department may promulgate rules and  
17 regulations as necessary for the enforcement of this Act. The  
18 Department of Public Health must inform school boards and the  
19 owners and operators of day care centers about the provisions  
20 of this Act that are applicable to school districts and day  
21 care centers, and it must inform school boards about the  
22 requirements contained in Sections 10-20.49 ~~subdivisions~~  
23 ~~10-20.46~~ and 34-18.40 ~~34-18.37~~ of the School Code. The  
24 Department of Public Health must recommend that day care

1 centers and schools use a pesticide-free turf care program to  
2 maintain their turf. The Department of Public Health must also  
3 report violations of this Act of which it becomes aware to the  
4 Department for enforcement.

5 (Source: P.A. 96-424, eff. 8-13-09; revised 10-21-09.)

6 Section 555. The Alternate Fuels Act is amended by setting  
7 forth and renumbering multiple versions of Section 23 as  
8 follows:

9 (415 ILCS 120/23)

10 (Section scheduled to be repealed on January 1, 2012)

11 Sec. 23. Alternate Fuels Commission.

12 (a) The Alternate Fuels Commission is established within  
13 the Department of Commerce and Economic Opportunity. The  
14 Commission shall investigate and recommend strategies that the  
15 Governor and the General Assembly may implement to promote the  
16 use of alternate fuels and biodiesel fuels and to encourage the  
17 use of vehicles that utilize alternate fuels and biodiesel  
18 fuels. The Commission shall also identify mechanisms that  
19 promote research into alternate fuels and biodiesel fuels.

20 (b) The Commission shall identify mechanisms that promote  
21 effective communication and coordination of efforts between  
22 this State and local governments, private industry, and  
23 institutes of higher education concerning the investigation,  
24 research into, and promotion of alternate fuels and biodiesel

1 fuels.

2 (c) The Commission may also review and recommend changes to  
3 any State regulation that may hinder the use, research, and  
4 development of alternate fuels, biodiesel fuels, and vehicles  
5 that are able to utilize those fuels.

6 (d) The Commission shall consist of the following members,  
7 appointed by the Governor within 90 days of the effective date  
8 of this Act:

9 (1) The Director of Commerce and Economic Opportunity  
10 (or his or her designee), who shall serve as the chair of  
11 the Commission.

12 (2) The Director of Agriculture (or his or her  
13 designee).

14 (3) At least one member from an association  
15 representing corn growers.

16 (4) At least one member from an association  
17 representing soybean producers.

18 (5) One representative of a general agricultural  
19 production association.

20 (6) One representative of automotive fuel blenders in  
21 this State.

22 (7) One representative of retail petroleum sellers in  
23 this State.

24 (8) One representative of petroleum suppliers in this  
25 State.

26 (9) One representative of biodiesel fuel producers.

1 (10) One representative of ethanol producers.

2 (11) One representative of environmental  
3 organizations.

4 (12) Three representatives of the automotive  
5 manufacturing industry.

6 (13) Three representatives of colleges and  
7 universities in this State that are engaged in alternate  
8 fuel or biodiesel fuel research.

9 (14) Any other member that the Governor concludes is  
10 necessary to further the Commission's purposes.

11 (e) No later than one year after the effective date of this  
12 amendatory Act of the 96th General Assembly, the Commission  
13 shall issue a written report on its investigation and  
14 recommendations to the General Assembly and the Governor.  
15 Follow-up reports shall be issued at least annually and may be  
16 issued more frequently if the Commission deems it advisable.

17 (f) This Section is repealed effective January 1, 2012.

18 (Source: P.A. 96-323, eff. 8-11-09.)

19 (415 ILCS 120/24)

20 Sec. 24 ~~23~~. Flexible fuel vehicle notification.

21 (a) Beginning July 1, 2010 and through June 30, 2014, the  
22 Secretary of State must notify each owner of a first division  
23 licensed motor vehicle that many motor vehicles are capable of  
24 using E85 blended fuel. This notice must be included on the  
25 motor vehicle sticker renewal form mailed to the owner by the

1 Office of the Secretary of State.

2 (b) The notice must include the following text:

3 E85 blended fuel reduces reliance on foreign oil and  
4 supports Illinois agriculture.

5 (Source: P.A. 96-510, eff. 8-14-09; revised 9-29-09.)

6 Section 560. The Carnival and Amusement Rides Safety Act is  
7 amended by changing Section 2-19 as follows:

8 (430 ILCS 85/2-19) (from Ch. 111 1/2, par. 4069)

9 Sec. 2-19. The owner or operator of an amusement ride or  
10 amusement attraction may remove a person from or deny a person  
11 entry to ~~a person to~~ an amusement ride or amusement attraction  
12 if, in the owner's or operator's opinion, the entry or conduct  
13 may jeopardize the safety of such person or the safety of any  
14 other person. Nothing in this Section will permit an owner or  
15 operator to deny an inspector access to an amusement ride or  
16 amusement attraction when such inspector is acting within the  
17 scope of his duties under this Act.

18 (Source: P.A. 96-151, eff. 8-7-09; revised 11-4-09.)

19 Section 565. The Humane Care for Animals Act is amended by  
20 changing Section 4.01 as follows:

21 (510 ILCS 70/4.01) (from Ch. 8, par. 704.01)

22 Sec. 4.01. Animals in entertainment. This Section does not

1 apply when the only animals involved are dogs. (Section 26-5 of  
2 the Criminal Code of 1961, rather than this Section, applies  
3 when the only animals involved are dogs.)

4 (a) No person may own, capture, breed, train, or lease any  
5 animal which he or she knows or should know is intended for use  
6 in any show, exhibition, program, or other activity featuring  
7 or otherwise involving a fight between such animal and any  
8 other animal or human, or the intentional killing of any animal  
9 for the purpose of sport, wagering, or entertainment.

10 (b) No person shall promote, conduct, carry on, advertise,  
11 collect money for or in any other manner assist or aid in the  
12 presentation for purposes of sport, wagering, or  
13 entertainment, any show, exhibition, program, or other  
14 activity involving a fight between 2 or more animals or any  
15 animal and human, or the intentional killing of any animal.

16 (c) No person shall sell or offer for sale, ship,  
17 transport, or otherwise move, or deliver or receive any animal  
18 which he or she knows or should know has been captured, bred,  
19 or trained, or will be used, to fight another animal or human  
20 or be intentionally killed, for the purpose of sport, wagering,  
21 or entertainment.

22 (d) No person shall manufacture for sale, shipment,  
23 transportation or delivery any device or equipment which that  
24 person knows or should know is intended for use in any show,  
25 exhibition, program, or other activity featuring or otherwise  
26 involving a fight between 2 or more animals, or any human and

1 animal, or the intentional killing of any animal for purposes  
2 of sport, wagering or entertainment.

3 (e) No person shall own, possess, sell or offer for sale,  
4 ship, transport, or otherwise move any equipment or device  
5 which such person knows or should know is intended for use in  
6 connection with any show, exhibition, program, or activity  
7 featuring or otherwise involving a fight between 2 or more  
8 animals, or any animal and human, or the intentional killing of  
9 any animal for purposes of sport, wagering or entertainment.

10 (f) No person shall make available any site, structure, or  
11 facility, whether enclosed or not, which he or she knows or  
12 should know is intended to be used for the purpose of  
13 conducting any show, exhibition, program, or other activity  
14 involving a fight between 2 or more animals, or any animal and  
15 human, or the intentional killing of any animal.

16 (g) No person shall knowingly attend or otherwise patronize  
17 any show, exhibition, program, or other activity featuring or  
18 otherwise involving a fight between 2 or more animals, or any  
19 animal and human, or the intentional killing of any animal for  
20 the purposes of sport, wagering or entertainment.

21 (h) (Blank).

22 (i) Any animals or equipment involved in a violation of  
23 this Section shall be immediately seized and impounded under  
24 Section 12 by the Department when located at any show,  
25 exhibition, program, or other activity featuring or otherwise  
26 involving an animal fight for the purposes of sport, wagering,

1 or entertainment.

2 (j) Any vehicle or conveyance other than a common carrier  
3 that is used in violation of this Section shall be seized,  
4 held, and offered for sale at public auction by the sheriff's  
5 department of the proper jurisdiction, and the proceeds from  
6 the sale shall be remitted to the general fund of the county  
7 where the violation took place.

8 (k) Any veterinarian in this State who is presented with an  
9 animal for treatment of injuries or wounds resulting from  
10 fighting where there is a reasonable possibility that the  
11 animal was engaged in or utilized for a fighting event for the  
12 purposes of sport, wagering, or entertainment shall file a  
13 report with the Department and cooperate by furnishing the  
14 owners' names, dates, and descriptions of the animal or animals  
15 involved. Any veterinarian who in good faith complies with the  
16 requirements of this subsection has immunity from any  
17 liability, civil, criminal, or otherwise, that may result from  
18 his or her actions. For the purposes of any proceedings, civil  
19 or criminal, the good faith of the veterinarian shall be  
20 rebuttably presumed.

21 (l) No person shall solicit a minor to violate this  
22 Section.

23 (m) The penalties for violations of this Section shall be  
24 as follows:

25 (1) A person convicted of violating subsection (a),  
26 (b), or (c) of this Section or any rule, regulation, or

1 order of the Department pursuant thereto is guilty of a  
2 Class 4 felony for the first offense. A second or  
3 subsequent offense involving the violation of subsection  
4 (a), (b), or (c) of this Section or any rule, regulation,  
5 or order of the Department pursuant thereto is a Class 3  
6 felony.

7 (2) A person convicted of violating subsection (d),  
8 (e), or (f) of this Section or any rule, regulation, or  
9 order of the Department pursuant thereto is guilty of a  
10 Class 4 felony for the first offense. A second or  
11 subsequent violation is a Class 3 felony.

12 (3) A person convicted of violating subsection (g) of  
13 this Section or any rule, regulation, or order of the  
14 Department pursuant thereto is guilty of a Class 4 felony  
15 for the first offense. A second or subsequent violation is  
16 a Class 3 felony.

17 (4) A person convicted of violating subsection (l) of  
18 this Section is guilty of a Class 4 felony for the first  
19 offense. A second or subsequent violation is a Class 3  
20 felony.

21 (n) A person who commits a felony violation of this Section  
22 is subject to the property forfeiture provisions set forth in  
23 Article 124B of the Code of Criminal Procedure of 1963.

24 (Source: P.A. 95-331, eff. 8-21-07; 95-560, eff. 8-30-07;  
25 96-226, eff. 8-11-09; 96-712, eff. 1-1-10; revised 10-1-09.)

1 Section 570. The Humane Euthanasia in Animal Shelters Act  
2 is amended by changing Section 155 as follows:

3 (510 ILCS 72/155)

4 Sec. 155. Administrative Review Law ~~Review~~. All final  
5 administrative decisions of the Department are subject to  
6 judicial review pursuant to the provisions of the  
7 Administrative Review Law, as now or hereafter amended, and all  
8 rules adopted pursuant to that Law. The term "administrative  
9 decision" is defined as in Section 3-101 of the Code of Civil  
10 Procedure.

11 Proceedings for judicial review shall be commenced in the  
12 circuit court of the county in which the party applying for  
13 relief resides, but if the party is not a resident of this  
14 State, the venue shall be Sangamon County.

15 (Source: P.A. 92-449, eff. 1-1-02; revised 11-4-09.)

16 Section 575. The Illinois Vehicle Code is amended by  
17 changing Sections 3-104, 3-412, 3-414, 3-806, 3-808.1, 3-821,  
18 6-103, 6-106.1, 6-303, 11-208.3, 11-605.2, 11-1301.2,  
19 11-1301.3, 12-503, 12-610.2, 12-821, 15-102, and 15-113 and by  
20 setting forth and renumbering multiple versions of Sections  
21 3-684 and 3-806.7 as follows:

22 (625 ILCS 5/3-104) (from Ch. 95 1/2, par. 3-104)

23 Sec. 3-104. Application for certificate of title.

1           (a) The application for a certificate of title for a  
2 vehicle in this State must be made by the owner to the  
3 Secretary of State on the form prescribed and must contain:

4           1. The name, Illinois residence and mail address of the  
5 owner;

6           2. A description of the vehicle including, so far as  
7 the following data exists: Its make, year-model,  
8 identifying number, type of body, whether new or used, as  
9 to house trailers as defined in Section 1-128 of this Code,  
10 the square footage of the house trailer based upon the  
11 outside dimensions of the house trailer excluding the  
12 length of the tongue and hitch, and, as to vehicles of the  
13 second division, whether for-hire, not-for-hire, or both  
14 for-hire and not-for-hire;

15           3. The date of purchase by applicant and, if  
16 applicable, the name and address of the person from whom  
17 the vehicle was acquired and the names and addresses of any  
18 lienholders in the order of their priority and signatures  
19 of owners;

20           4. The current odometer reading at the time of transfer  
21 and that the stated odometer reading is one of the  
22 following: actual mileage, not the actual mileage or  
23 mileage is in excess of its mechanical limits; and

24           5. Any further information the Secretary of State  
25 reasonably requires to identify the vehicle and to enable  
26 him to determine whether the owner is entitled to a

1 certificate of title and the existence or nonexistence of  
2 security interests in the vehicle.

3 (a-5) The Secretary of State shall designate on the  
4 prescribed application form a space where the owner of a  
5 vehicle may designate a beneficiary, to whom ownership of the  
6 vehicle shall pass in the event of the owner's death.

7 (b) If the application refers to a vehicle purchased from a  
8 dealer, it must also be signed by the dealer as well as the  
9 owner, and the dealer must promptly mail or deliver the  
10 application and required documents to the Secretary of State.

11 (c) If the application refers to a vehicle last previously  
12 registered in another State or country, the application must  
13 contain or be accompanied by:

14 1. Any certified document of ownership so recognized  
15 and issued by the other State or country and acceptable to  
16 the Secretary of State, and

17 2. Any other information and documents the Secretary of  
18 State reasonably requires to establish the ownership of the  
19 vehicle and the existence or nonexistence of security  
20 interests in it.

21 (d) If the application refers to a new vehicle it must be  
22 accompanied by the Manufacturer's Statement of Origin, or other  
23 documents as required and acceptable by the Secretary of State,  
24 with such assignments as may be necessary to show title in the  
25 applicant.

26 (e) If an application refers to a vehicle rebuilt from a

1 vehicle previously salvaged, that application shall comply  
2 with the provisions set forth in Sections 3-302 through 3-304  
3 of this Code.

4 (f) An application for a certificate of title for any  
5 vehicle, whether purchased in Illinois or outside Illinois, and  
6 even if previously registered in another State, must be  
7 accompanied by either an exemption determination from the  
8 Department of Revenue showing that no tax imposed pursuant to  
9 the Use Tax Act or the vehicle use tax imposed by Section  
10 3-1001 of the Illinois Vehicle Code is owed by anyone with  
11 respect to that vehicle, or a receipt from the Department of  
12 Revenue showing that any tax so imposed has been paid. An  
13 application for a certificate of title for any vehicle  
14 purchased outside Illinois, even if previously registered in  
15 another state, must be accompanied by either an exemption  
16 determination from the Department of Revenue showing that no  
17 tax imposed pursuant to the Municipal Use Tax Act or the County  
18 Use Tax Act is owed by anyone with respect to that vehicle, or  
19 a receipt from the Department of Revenue showing that any tax  
20 so imposed has been paid. In the absence of such a receipt for  
21 payment or determination of exemption from the Department, no  
22 certificate of title shall be issued to the applicant.

23 If the proof of payment of the tax or of nonliability  
24 therefor is, after the issuance of the certificate of title and  
25 display certificate of title, found to be invalid, the  
26 Secretary of State shall revoke the certificate and require

1 that the certificate of title and, when applicable, the display  
2 certificate of title be returned to him.

3 (g) If the application refers to a vehicle not manufactured  
4 in accordance with federal safety and emission standards, the  
5 application must be accompanied by all documents required by  
6 federal governmental agencies to meet their standards before a  
7 vehicle is allowed to be issued title and registration.

8 (h) If the application refers to a vehicle sold at public  
9 sale by a sheriff, it must be accompanied by the required fee  
10 and a bill of sale issued and signed by a sheriff. The bill of  
11 sale must identify the new owner's name and address, the year  
12 model, make and vehicle identification number of the vehicle,  
13 court order document number authorizing such sale, if  
14 applicable, and the name and address of any lienholders in  
15 order of priority, if applicable.

16 (i) If the application refers to a vehicle for which a  
17 court of law determined the ownership, it must be accompanied  
18 with a certified copy of such court order and the required fee.  
19 The court order must indicate the new owner's name and address,  
20 the complete description of the vehicle, if known, the name and  
21 address of the lienholder, if any, and must be signed and dated  
22 by the judge issuing such order.

23 (j) If the application refers to a vehicle sold at public  
24 auction pursuant to the Labor and Storage Lien (Small Amount)  
25 Act, it must be accompanied by an affidavit or affirmation  
26 furnished by the Secretary of State along with the documents

1 described in the affidavit or affirmation and the required fee.

2 (k) The Secretary may provide an expedited process for the  
3 issuance of vehicle titles. Expedited title applications must  
4 be delivered to the Secretary of State's Vehicle Services  
5 Department in Springfield by express mail service or hand  
6 delivery. Applications must be complete, including necessary  
7 forms, fees, and taxes. Applications received before noon on a  
8 business day will be processed and shipped that same day.  
9 Applications received after noon on a business day will be  
10 processed and shipped the next business day. The Secretary  
11 shall charge an additional fee of \$30 for this service, and  
12 that fee shall cover the cost of return shipping via an express  
13 mail service. All fees collected by the Secretary of State for  
14 expedited services shall be deposited into the Motor Vehicle  
15 License Plate Fund. In the event the Vehicle Services  
16 Department determines that the volume of expedited title  
17 requests received on a given day exceeds the ability of the  
18 Vehicle Services Department to process those requests in an  
19 expedited manner, the Vehicle Services Department may decline  
20 to provide expedited services, and the additional fee for the  
21 expedited service shall be refunded to the applicant.

22 (l) ~~(k)~~ If the application refers to a homemade trailer,  
23 (i) it must be accompanied by the appropriate documentation  
24 regarding the source of materials used in the construction of  
25 the trailer, as required by the Secretary of State, (ii) the  
26 trailer must be inspected by a Secretary of State investigator,

1 as described in Section 2-115 of this Code, prior to the  
2 issuance of the title, and (iii) upon approval of the Secretary  
3 of State, the trailer must have a vehicle identification  
4 number, as provided by the Secretary of State, stamped or  
5 riveted to the frame.

6 (Source: P.A. 95-784, eff. 1-1-09; 96-519, eff. 1-1-10; 96-554,  
7 eff. 1-1-10; revised 9-15-09.)

8 (625 ILCS 5/3-412) (from Ch. 95 1/2, par. 3-412)

9 Sec. 3-412. Registration plates and registration stickers  
10 to be furnished by the Secretary of State.

11 (a) The Secretary of State upon registering a vehicle  
12 subject to annual registration for the first time shall issue  
13 or shall cause to be issued to the owner one registration plate  
14 for a motorcycle, trailer, semitrailer, moped or  
15 truck-tractor, 2 registration plates for other motor vehicles  
16 and, where applicable, current registration stickers for motor  
17 vehicles of the first division. The provisions of this Section  
18 may be made applicable to such vehicles of the second division,  
19 as the Secretary of State may, from time to time, in his  
20 discretion designate. On subsequent annual registrations  
21 during the term of the registration plate as provided in  
22 Section 3-414.1, the Secretary shall issue or cause to be  
23 issued registration stickers as evidence of current  
24 registration. However, the issuance of annual registration  
25 stickers to vehicles registered under the provisions of

1 Sections 3-402.1 and 3-405.3 of this Code may not be required  
2 if the Secretary deems the issuance unnecessary.

3 (b) Every registration plate shall have displayed upon it  
4 the registration number assigned to the vehicle for which it is  
5 issued, the name of this State, which may be abbreviated, the  
6 year number for which it was issued, which may be abbreviated,  
7 the phrase "Land of Lincoln" (except as otherwise provided in  
8 this Code), and such other letters or numbers as the Secretary  
9 may prescribe. However, for apportionment plates issued to  
10 vehicles registered under Section 3-402.1 and fleet plates  
11 issued to vehicles registered under Section 3-405.3, the phrase  
12 "Land of Lincoln" may be omitted to allow for the word  
13 "apportioned", the word "fleet", or other similar language to  
14 be displayed. Registration plates issued to a vehicle  
15 registered as a fleet vehicle may display a designation  
16 determined by the Secretary.

17 The Secretary may in his discretion prescribe that letters  
18 be used as prefixes only on registration plates issued to  
19 vehicles of the first division which are registered under this  
20 Code and only as suffixes on registration plates issued to  
21 other vehicles. Every registration sticker issued as evidence  
22 of current registration shall designate the year number for  
23 which it is issued and such other letters or numbers as the  
24 Secretary may prescribe and shall be of a contrasting color  
25 with the registration plates and registration stickers of the  
26 previous year.

1           (c) Each registration plate and the required letters and  
2 numerals thereon, except the year number for which issued,  
3 shall be of sufficient size to be plainly readable from a  
4 distance of 100 feet during daylight, and shall be coated with  
5 reflectorizing material. The dimensions of the plate issued to  
6 vehicles of the first division shall be 6 by 12 inches.

7           (d) The Secretary of State shall issue for every passenger  
8 motor vehicle rented without a driver the same type of  
9 registration plates as the type of plates issued for a private  
10 passenger vehicle.

11           (e) The Secretary of State shall issue for every passenger  
12 car used as a taxicab or livery, distinctive registration  
13 plates.

14           (f) The Secretary of State shall issue for every motorcycle  
15 distinctive registration plates distinguishing between  
16 motorcycles having 150 or more cubic centimeters piston  
17 displacement, or having less than 150 cubic centimeter piston  
18 displacement.

19           (g) Registration plates issued to vehicles for-hire may  
20 display a designation as determined by the Secretary that such  
21 vehicles are for-hire.

22           (h) (Blank).

23           (i) The Secretary of State shall issue for every public and  
24 private ambulance registration plates identifying the vehicle  
25 as an ambulance. The Secretary shall forward to the Department  
26 of Healthcare and Family Services registration information for

1 the purpose of verification of claims filed with the Department  
2 by ambulance owners for payment for services to public  
3 assistance recipients.

4 (j) The Secretary of State shall issue for every public and  
5 private medical carrier or rescue vehicle livery registration  
6 plates displaying numbers within ranges of numbers reserved  
7 respectively for medical carriers and rescue vehicles. The  
8 Secretary shall forward to the Department of Healthcare and  
9 Family Services registration information for the purpose of  
10 verification of claims filed with the Department by owners of  
11 medical carriers or rescue vehicles for payment for services to  
12 public assistance recipients.

13 (k) The Secretary of State shall issue distinctive license  
14 plates or distinctive license plate stickers for every vehicle  
15 exempted from subsections (a) and (a-5) of Section 12-503 by  
16 subsection (g) of that Section, and by subsection (g-5) of that  
17 Section before its deletion by this amendatory Act of the 95th  
18 General Assembly. The Secretary shall issue these plates or  
19 stickers immediately upon receiving the physician's  
20 certification required under subsection (g) of Section 12-503.  
21 New plates or stickers shall also be issued when the  
22 certification is renewed as provided in that subsection.

23 (l) The Secretary of State shall issue distinctive  
24 registration plates for low-speed vehicles.

25 (Source: P.A. 95-202, eff. 8-16-07; 95-331, eff. 8-21-07;  
26 96-554, eff. 1-1-10; 96-653, eff. 1-1-10; 96-815, eff.

1 10-30-09; revised 11-4-09.)

2 (625 ILCS 5/3-414) (from Ch. 95 1/2, par. 3-414)

3 Sec. 3-414. Expiration of registration.

4 (a) Every vehicle registration under this Chapter and every  
5 registration card and registration plate or registration  
6 sticker issued hereunder to a vehicle shall be for the periods  
7 specified in this Chapter and shall expire at midnight on the  
8 day and date specified in this Section as follows:

9 1. When registered on a calendar year basis commencing  
10 January 1, expiration shall be on the 31st day of December  
11 or at such other date as may be selected in the discretion  
12 of the Secretary of State; however, through December 31,  
13 2004, registrations of apportionable vehicles,  
14 motorcycles, motor driven cycles and pedalcycles shall  
15 commence on the first day of April and shall expire March  
16 31st of the following calendar year;

17 1.1. Beginning January 1, 2005, registrations of  
18 motorcycles and motor driven cycles shall commence on  
19 January 1 and shall expire on December 31 or on another  
20 date that may be selected by the Secretary; registrations  
21 of apportionable vehicles and pedalcycles, however, shall  
22 commence on the first day of April and shall expire March  
23 31 of the following calendar year;

24 2. When registered on a 2 calendar year basis  
25 commencing January 1 of an even-numbered year, expiration

1 shall be on the 31st day of December of the ensuing  
2 odd-numbered year, or at such other later date as may be  
3 selected in the discretion of the Secretary of State not  
4 beyond March 1 next;

5 3. When registered on a fiscal year basis commencing  
6 July 1, expiration shall be on the 30th day of June or at  
7 such other later date as may be selected in the discretion  
8 of the Secretary of State not beyond September 1 next;

9 4. When registered on a 2 fiscal year basis commencing  
10 July 1 of an even-numbered year, expiration shall be on the  
11 30th day of June of the ensuing even-numbered year, or at  
12 such other later date as may be selected in the discretion  
13 of the Secretary of State not beyond September 1 next;

14 5. When registered on a 4 fiscal year basis commencing  
15 July 1 of an even-numbered year, expiration shall be on the  
16 30th day of June of the second ensuing even-numbered year,  
17 or at such other later date as may be selected in the  
18 discretion of the Secretary of State not beyond September 1  
19 next;

20 (b) Vehicle registrations of vehicles of the first division  
21 shall be for a calendar year, 2 calendar year, or 3 calendar  
22 year basis as provided for in this Chapter.

23 Vehicle registrations of vehicles under Sections 3-807,  
24 3-808 and 3-809 shall be on an indefinite term basis or a 2  
25 calendar year basis as provided for in this Chapter.

26 Vehicle registrations for vehicles of the second division

1 shall be for a fiscal year, 2 fiscal year or calendar year  
2 basis as provided for in this Chapter.

3 Motor vehicles registered under the provisions of Section  
4 3-402.1 shall be issued multi-year registration plates with a  
5 new registration card issued annually upon payment of the  
6 appropriate fees. Motor vehicles registered under the  
7 provisions of Section 3-405.3 shall be issued multi-year  
8 ~~mutli-year~~ registration plates with a new multi-year  
9 registration card issued pursuant to subsections (j) and (k) of  
10 this Section upon payment of the appropriate fees.  
11 Apportionable trailers and apportionable semitrailers  
12 registered under the provisions of Section 3-402.1 shall be  
13 issued multi-year registration plates and cards that will be  
14 subject to revocation for failure to pay annual fees required  
15 by Section 3-814.1. The Secretary shall determine when these  
16 vehicles shall be issued new registration plates.

17 (c) Every vehicle registration specified in Section 3-810  
18 and every registration card and registration plate or  
19 registration sticker issued thereunder shall expire on the 31st  
20 day of December of each year or at such other date as may be  
21 selected in the discretion of the Secretary of State.

22 (d) Every vehicle registration for a vehicle of the second  
23 division weighing over 8,000 pounds, except as provided in  
24 paragraph (g) of this Section, and every registration card and  
25 registration plate or registration sticker, where applicable,  
26 issued hereunder to such vehicles shall be issued for a fiscal

1 year commencing on July 1st of each registration year. However,  
2 the Secretary of State may, pursuant to an agreement or  
3 arrangement or declaration providing for apportionment of a  
4 fleet of vehicles with other jurisdictions, provide for  
5 registration of such vehicles under apportionment or for all of  
6 the vehicles registered in Illinois by an applicant who  
7 registers some of his vehicles under apportionment on a  
8 calendar year basis instead, and the fees or taxes to be paid  
9 on a calendar year basis shall be identical to those specified  
10 in this Act for a fiscal year registration. Provision for  
11 installment payment may also be made.

12 (e) Semitrailer registrations under apportionment may be  
13 on a calendar year under a reciprocal agreement or arrangement  
14 and all other semitrailer registrations shall be on fiscal year  
15 or 2 fiscal year or 4 fiscal year basis as provided for in this  
16 Chapter.

17 (f) The Secretary of State may convert annual registration  
18 plates or 2-year registration plates, whether registered on a  
19 calendar year or fiscal year basis, to multi-year plates. The  
20 determination of which plate categories and when to convert to  
21 multi-year plates is solely within the discretion of the  
22 Secretary of State.

23 (g) After January 1, 1975, each registration, registration  
24 card and registration plate or registration sticker, where  
25 applicable, issued for a recreational vehicle or recreational  
26 or camping trailer, except a house trailer, used exclusively by

1 the owner for recreational purposes, and not used commercially  
2 nor as a truck or bus, nor for hire, shall be on a calendar year  
3 basis; except that the Secretary of State shall provide for  
4 registration and the issuance of registration cards and plates  
5 or registration stickers, where applicable, for one 6-month  
6 period in order to accomplish an orderly transition from a  
7 fiscal year to a calendar year basis. Fees and taxes due under  
8 this Act for a registration year shall be appropriately reduced  
9 for such 6-month transitional registration period.

10 (h) The Secretary of State may, in order to accomplish an  
11 orderly transition for vehicles registered under Section  
12 3-402.1 of this Code from a calendar year registration to a  
13 March 31st expiration, require applicants to pay fees and taxes  
14 due under this Code on a 15 month registration basis. However,  
15 if in the discretion of the Secretary of State this creates an  
16 undue hardship on any applicant the Secretary may allow the  
17 applicant to pay 3 month fees and taxes at the time of  
18 registration and the additional 12 month fees and taxes to be  
19 payable no later than March 31 of the year after this  
20 amendatory Act of 1991 takes effect.

21 (i) The Secretary of State may stagger registrations, or  
22 change the annual expiration date, as necessary for the  
23 convenience of the public and the efficiency of his Office. In  
24 order to appropriately and effectively accomplish any such  
25 staggering, the Secretary of State is authorized to prorate all  
26 required registration fees, rounded to the nearest dollar, but

1 in no event for a period longer than 18 months, at a monthly  
2 rate for a 12 month registration fee.

3 (j) The Secretary of State may enter into an agreement with  
4 a rental owner, as defined in Section 3-400 of this Code, who  
5 registers a fleet of motor vehicles of the first division  
6 pursuant to Section 3-405.3 of this Code to provide for the  
7 registration of the rental owner's vehicles on a 2 or 3  
8 calendar year basis and the issuance of multi-year registration  
9 plates with a new registration card issued up to every 3 years.

10 (k) The Secretary of State may provide multi-year  
11 registration cards for any registered fleet of motor vehicles  
12 of the first or second division that are registered pursuant to  
13 Section 3-405.3 of this Code. Each motor vehicle of the  
14 registered fleet must carry an unique multi-year registration  
15 card that displays the vehicle identification number of the  
16 registered motor vehicle. The Secretary of State shall  
17 promulgate rules in order to implement multi-year  
18 registrations.

19 (Source: P.A. 95-287, eff. 1-1-08; 96-747, eff. 1-1-10; revised  
20 11-4-09.)

21 (625 ILCS 5/3-684)

22 Sec. 3-684. Illinois EMS Memorial Scholarship and Training  
23 license plate.

24 (a) The Secretary, upon receipt of an application made in  
25 the form prescribed by the Secretary of State, may issue

1 special registration plates designated to be Illinois EMS  
2 Memorial Scholarship and Training license plates. The special  
3 plates issued under this Section shall be affixed only to  
4 passenger vehicles of the first division, motor vehicles of the  
5 second division weighing not more than 8,000 pounds,  
6 recreational vehicles as defined in Section 1-169 of this Code,  
7 and subject to the staggered registration system. Plates issued  
8 under this Section shall expire according to the multi-year  
9 procedure established by Section 3-414.1 of this Code.

10 (b) The design and color of the plates shall be wholly  
11 within the discretion of the Secretary of State. The Secretary  
12 of State may, in his or her discretion, allow the plates to be  
13 issued as vanity plates or personalized in accordance with  
14 Section 3-405.1 of this Code. The plates are not required to  
15 designate "Land of Lincoln", as prescribed in subsection (b) of  
16 Section 3-412 of this Code. The Secretary of State shall  
17 prescribe stickers or decals as provided under Section 3-412.

18 (c) An applicant shall be charged a \$27 fee for original  
19 issuance in addition to the applicable registration fee. Of  
20 this additional fee, \$15 shall be deposited into the Secretary  
21 of State Special License Plate Fund and \$12 shall be deposited  
22 into the Illinois EMS Memorial Scholarship and Training Fund.  
23 For each registration renewal period, a \$17 fee, in addition to  
24 the appropriate registration fee, shall be charged. Of this  
25 fee, \$2 shall be deposited into the Secretary of State Special  
26 License Plate Fund and \$15 shall be deposited into the Illinois

1 EMS Memorial Scholarship and Training Fund.

2 (d) The Illinois EMS Memorial Scholarship and Training Fund  
3 is created as a special fund in the State treasury. All money  
4 in the Illinois EMS Memorial Scholarship and Training Fund  
5 shall, subject to appropriation by the General Assembly and  
6 approval by the Secretary of State, as grants to the EMS  
7 Memorial Scholarship and Training Council, a not-for-profit  
8 corporation, for the purposes (i) of providing scholarships for  
9 graduate study, undergraduate study, or both, to children and  
10 spouses of emergency medical services (EMS) personnel killed in  
11 the course of their employment, and (ii) for grants for the  
12 training of EMS personnel.

13 (Source: P.A. 96-591, eff. 8-18-09.)

14 (625 ILCS 5/3-686)

15 Sec. 3-686 ~~3-684~~. Distinguished Flying Cross license  
16 plates.

17 (a) In addition to any other special license plate, the  
18 Secretary, upon receipt of all applicable fees and applications  
19 made in the form prescribed by the Secretary of State, may  
20 issue Distinguished Flying Cross license plates to residents of  
21 Illinois who have been awarded the Distinguished Flying Cross  
22 medal by the United States Armed Forces. The special  
23 Distinguished Flying Cross plates issued under this Section  
24 shall be affixed only to passenger vehicles of the first  
25 division, motorcycles, and motor vehicles of the second

1 division weighing not more than 8,000 pounds. Plates issued  
2 under this Section shall expire according to the staggered  
3 multi-year procedure established by Section 3-414.1 of this  
4 Code.

5 (b) The design, color, and format of the plates shall be  
6 wholly within the discretion of the Secretary of State. The  
7 Secretary may, in his or her discretion, allow the plates to be  
8 issued as vanity plates or personalized in accordance with  
9 Section 3-405.1 of this Code. The plates are not required to  
10 designate "Land Of Lincoln", as prescribed in subsection (b) of  
11 Section 3-412 of this Code. The Secretary shall, in his or her  
12 discretion, approve and prescribe stickers or decals as  
13 provided under Section 3-412.

14 (c) An applicant shall be charged a \$15 fee for original  
15 issuance in addition to the applicable registration fee. This  
16 additional fee shall be deposited into the Secretary of State  
17 Special License Plate Fund.

18 (Source: P.A. 96-655, eff. 1-1-10; revised 10-19-09.)

19 (625 ILCS 5/3-687)

20 Sec. 3-687 ~~3-684~~. International Brotherhood of Teamsters  
21 license plate.

22 (a) The Secretary, upon receipt of all applicable fees and  
23 applications made in the form prescribed by the Secretary, may  
24 issue special registration plates designated as International  
25 Brotherhood of Teamsters license plates. The special plates

1 issued under this Section shall be affixed only to passenger  
2 vehicles of the first division, motor vehicles of the second  
3 division weighing not more than 8,000 pounds and recreational  
4 vehicles as defined by Section 1-169 of this Code. Plates  
5 issued under this Section shall expire according to the  
6 multi-year procedure established by Section 3-414.1 of this  
7 Code.

8 (b) The design and color of the plates is wholly within the  
9 discretion of the Secretary of State. Appropriate  
10 documentation, as determined by the Secretary, shall accompany  
11 the application. The Secretary, in his or her discretion, may  
12 allow the plates to be issued as vanity or personalized plates  
13 under Section 3-405.1 of this Code. The Secretary shall  
14 prescribe stickers or decals as provided under Section 3-412 of  
15 this Code.

16 (c) An applicant for the special plate shall be charged a  
17 \$40 fee for original issuance in addition to the appropriate  
18 registration fee. Of this fee, \$25 shall be deposited into the  
19 International Brotherhood of Teamsters Fund and \$15 shall be  
20 deposited into the Secretary of State Special License Plate  
21 Fund, to be used by the Secretary to help defray the  
22 administrative processing costs.

23 For each registration renewal period, a \$27 fee, in  
24 addition to the appropriate registration fee, shall be charged.  
25 Of this fee, \$25 shall be deposited into the International  
26 Brotherhood of Teamsters Fund and \$2 shall be deposited into

1 the Secretary of State Special License Plate Fund.

2 (d) The International Brotherhood of Teamsters Fund is  
3 created as a special fund in the State treasury. All money in  
4 the International Brotherhood of Teamsters Fund shall be paid,  
5 subject to appropriation by the General Assembly and approval  
6 by the Secretary of State, as grants to the Teamsters Joint  
7 Council 25 Charitable Trust, an independent organization  
8 established and registered as a tax exempt entity under Section  
9 501(c)(3) of the Internal Revenue Code, for religious,  
10 charitable, scientific, literary, and educational purposes.  
11 (Source: P.A. 96-687, eff. 1-1-10; revised 10-19-09.)

12 (625 ILCS 5/3-688)

13 Sec. 3-688 ~~3-684~~. Operation Iraqi Freedom License Plates.

14 (a) In addition to any other special license plate, the  
15 Secretary, upon receipt of all applicable fees and applications  
16 made in the form prescribed by the Secretary of State, may  
17 issue Operation Iraqi Freedom license plates to residents of  
18 Illinois who meet eligibility requirements prescribed by the  
19 Secretary of State. The special Operation Iraqi Freedom plate  
20 issued under this Section shall be affixed only to passenger  
21 vehicles of the first division, motorcycles, and motor vehicles  
22 of the second division weighing not more than 8,000 pounds.  
23 Plates issued under this Section shall expire according to the  
24 staggered multi-year procedure established by Section 3-414.1  
25 of this Code.

1 (b) The design, color, and format of the plates shall be  
2 wholly within the discretion of the Secretary of State. The  
3 Secretary may, in his or her discretion, allow the plates to be  
4 issued as vanity plates or personalized in accordance with  
5 Section 3-405.1 of this Code. The plates are not required to  
6 designate "Land Of Lincoln", as prescribed in subsection (b) of  
7 Section 3-412 of this Code. The Secretary shall prescribe the  
8 eligibility requirements and, in his or her discretion, shall  
9 approve and prescribe stickers or decals as provided under  
10 Section 3-412.

11 (c) An applicant shall be charged a \$15 fee for original  
12 issuance in addition to the applicable registration fee. This  
13 additional fee shall be deposited into the Secretary of State  
14 Special License Plate Fund.

15 (Source: P.A. 96-747, eff. 1-1-10; revised 10-19-09.)

16 (625 ILCS 5/3-806) (from Ch. 95 1/2, par. 3-806)

17 Sec. 3-806. Registration Fees; Motor Vehicles of the First  
18 Division. Every owner of any other motor vehicle of the first  
19 division, except as provided in Sections 3-804, 3-805, 3-806.3,  
20 3-806.7, and 3-808, and every second division vehicle weighing  
21 8,000 pounds or less, shall pay the Secretary of State an  
22 annual registration fee at the following rates:

23 SCHEDULE OF REGISTRATION FEES

24 REQUIRED BY LAW

1                   Beginning with the 2010 registration year

2   Annual

3   Fee

4   Motor vehicles of the first

5   division other than

6   Motorcycles, Motor Driven

7   Cycles and Pedalcycles                   \$98

8   Motorcycles, Motor Driven

9   Cycles and Pedalcycles                   38

10           Beginning with the 2010 registration year a \$1 surcharge  
11   shall be collected in addition to the above fees for motor  
12   vehicles of the first division, motorcycles, motor driven  
13   cycles, and pedalcycles to be deposited into the State Police  
14   Vehicle Fund.

15           All of the proceeds of the additional fees imposed by  
16   Public Act 96-34 ~~this amendatory Act of the 96th General~~  
17   ~~Assembly~~ shall be deposited into the Capital Projects Fund.

18   (Source: P.A. 95-1009, eff. 12-15-08; 96-34, eff. 7-13-09;  
19   96-747, eff. 1-1-10; revised 10-1-09.)

20           (625 ILCS 5/3-806.7)

21           Sec. 3-806.7. Registration fees for active duty military  
22   personnel.

23           (a) Beginning with the 2011 registration year, the standard  
24   registration fee set forth in Section 3-806 of this Code for  
25   passenger motor vehicles of the first division and motor

1 vehicles of the second division weighing not more than 8,000  
2 pounds and registered under Section 3-815 of this Code, shall  
3 be reduced by 50% for any Illinois vehicle owner who was on  
4 active duty as a member of the Armed Forces of the United  
5 States and stationed outside of the United States for a period  
6 of 90 days or longer during the preceding registration year.

7 (b) Illinois residents who are members of the Armed Forces  
8 of the United States and who have been stationed outside of the  
9 United States for a period of 6 months or longer, and who  
10 placed their registered motor vehicle in storage during the  
11 time they served abroad, shall be entitled to credit for the  
12 unused portion of that registration when they renew the  
13 registration of that vehicle upon their return to the United  
14 States. For each month or part thereof that the vehicle was in  
15 storage and had current registration, the member of the armed  
16 forces shall receive one month of registration without charge.

17 (Source: P.A. 96-747, eff. 1-1-10.)

18 (625 ILCS 5/3-806.8)

19 Sec. 3-806.8 ~~3-806.7~~. Graduated registration fee; study.  
20 The Secretary of State, in cooperation with the Department of  
21 Revenue, shall complete a feasibility study for the  
22 implementation and enforcement of a graduated registration fee  
23 based on the manufacturer's suggested retail price of motor  
24 vehicles of the first division, and second division vehicles  
25 weighing 8,000 pounds or less. This study shall include, but

1 shall not be limited to the costs associated with design and  
2 maintenance of all systems and database applications required;  
3 suggested fee structures to create a revenue neutral graduated  
4 registration fee system; and consideration of annual  
5 depreciation of vehicles, reflective of fair market value.

6 The findings of this feasibility study shall be delivered  
7 to the Senate President, Speaker of the House of  
8 Representatives, Minority Leader of the Senate, and the  
9 Minority Leader of the House of Representatives no later than  
10 January 31, 2010.

11 (Source: P.A. 96-34, eff. 7-13-09; revised 10-1-09.)

12 (625 ILCS 5/3-808.1) (from Ch. 95 1/2, par. 3-808.1)

13 Sec. 3-808.1. (a) Permanent vehicle registration plates  
14 shall be issued, at no charge, to the following:

15 1. Vehicles, other than medical transport vehicles,  
16 owned and operated by the State of Illinois or by any State  
17 agency financed by funds appropriated by the General  
18 Assembly;

19 2. Special disability plates issued to vehicles owned  
20 and operated by the State of Illinois or by any State  
21 agency financed by funds appropriated by the General  
22 Assembly.

23 (b) Permanent vehicle registration plates shall be issued,  
24 for a one time fee of \$8.00, to the following:

25 1. Vehicles, other than medical transport vehicles,

1 operated by or for any county, township or municipal  
2 corporation.

3 2. Vehicles owned by counties, townships or municipal  
4 corporations for persons with disabilities.

5 3. Beginning with the 1991 registration year,  
6 county-owned vehicles operated by or for any county sheriff  
7 and designated deputy sheriffs. These registration plates  
8 shall contain the specific county code and unit number.

9 4. All-terrain vehicles owned by counties, townships,  
10 or municipal corporations and used for law enforcement  
11 purposes when the Manufacturer's Statement of Origin is  
12 accompanied with a letter from the original manufacturer or  
13 a manufacturer's franchised dealer stating that this  
14 all-terrain vehicle has been converted to a street worthy  
15 vehicle that meets the equipment requirements set forth in  
16 Chapter 12 of this Code.

17 5. Beginning with the 2001 registration year,  
18 municipally-owned vehicles operated by or for any police  
19 department. These registration plates shall contain the  
20 designation "municipal police" and shall be numbered and  
21 distributed as prescribed by the Secretary of State.

22 (Source: P.A. 94-619, eff. 1-1-06; revised 11-4-09.)

23 (625 ILCS 5/3-821) (from Ch. 95 1/2, par. 3-821)

24 Sec. 3-821. Miscellaneous Registration and Title Fees.

25 (a) The fee to be paid to the Secretary of State for the

1 following certificates, registrations or evidences of proper  
2 registration, or for corrected or duplicate documents shall be  
3 in accordance with the following schedule:

4	Certificate of Title, except for an all-terrain	
5	vehicle or off-highway motorcycle	\$95
6	Certificate of Title for an all-terrain vehicle	
7	or off-highway motorcycle	\$30
8	Certificate of Title for an all-terrain vehicle	
9	or off-highway motorcycle used for production	
10	agriculture, or accepted by a dealer in trade	13
11	Certificate of Title for a low-speed vehicle	30
12	Transfer of Registration or any evidence of	
13	proper registration	\$25
14	Duplicate Registration Card for plates or other	
15	evidence of proper registration	3
16	Duplicate Registration Sticker or Stickers, each	20
17	Duplicate Certificate of Title	95
18	Corrected Registration Card or Card for other	
19	evidence of proper registration	3
20	Corrected Certificate of Title	95
21	Salvage Certificate	4
22	Fleet Reciprocity Permit	15
23	Prorate Decal	1
24	Prorate Backing Plate	3
25	Special Corrected Certificate of Title	15



1           If the total amount then due and owing exceeds the sum of  
2 \$50 and has not been paid in full within 60 days from the date  
3 such fee or tax became due to the Secretary of State, the  
4 Secretary of State shall assess a penalty of 25% of such amount  
5 remaining unpaid.

6           All amounts payable under this Section shall be computed to  
7 the nearest dollar.

8           (d) The minimum fee and tax to be paid by any applicant for  
9 apportionment of a fleet of vehicles under this Code shall be  
10 \$15 if the application was filed on or before the date  
11 specified by the Secretary together with fees and taxes due. If  
12 an application and the fees or taxes due are filed after the  
13 date specified by the Secretary, the Secretary may prescribe  
14 the payment of interest at the rate of 1/2 of 1% per month or  
15 fraction thereof after such due date and a minimum of \$8.

16           (e) Trucks, truck tractors, truck tractors with loads, and  
17 motor buses, any one of which having a combined total weight in  
18 excess of 12,000 lbs. shall file an application for a Fleet  
19 Reciprocity Permit issued by the Secretary of State. This  
20 permit shall be in the possession of any driver operating a  
21 vehicle on Illinois highways. Any foreign licensed vehicle of  
22 the second division operating at any time in Illinois without a  
23 Fleet Reciprocity Permit or other proper Illinois  
24 registration, shall subject the operator to the penalties  
25 provided in Section 3-834 of this Code. For the purposes of  
26 this Code, "Fleet Reciprocity Permit" means any second division

1 motor vehicle with a foreign license and used only in  
2 interstate transportation of goods. The fee for such permit  
3 shall be \$15 per fleet which shall include all vehicles of the  
4 fleet being registered.

5 (f) For purposes of this Section, "all-terrain vehicle or  
6 off-highway motorcycle used for production agriculture" means  
7 any all-terrain vehicle or off-highway motorcycle used in the  
8 raising of or the propagation of livestock, crops for sale for  
9 human consumption, crops for livestock consumption, and  
10 production seed stock grown for the propagation of feed grains  
11 and the husbandry of animals or for the purpose of providing a  
12 food product, including the husbandry of blood stock as a main  
13 source of providing a food product. "All-terrain vehicle or  
14 off-highway motorcycle used in production agriculture" also  
15 means any all-terrain vehicle or off-highway motorcycle used in  
16 animal husbandry, floriculture, aquaculture, horticulture, and  
17 viticulture.

18 (g) All of the proceeds of the additional fees imposed by  
19 Public Act 96-34 ~~this amendatory Act of the 96th General~~  
20 ~~Assembly~~ shall be deposited into the Capital Projects Fund.

21 (Source: P.A. 95-287, eff. 1-1-08; 96-34, eff. 7-13-09; 96-554,  
22 eff. 1-1-10; 96-653, eff. 1-1-10; revised 9-15-09.)

23 (625 ILCS 5/6-103) (from Ch. 95 1/2, par. 6-103)

24 Sec. 6-103. What persons shall not be licensed as drivers  
25 or granted permits. The Secretary of State shall not issue,

1 renew, or allow the retention of any driver's license nor issue  
2 any permit under this Code:

3 1. To any person, as a driver, who is under the age of  
4 18 years except as provided in Section 6-107, and except  
5 that an instruction permit may be issued under Section  
6 6-107.1 to a child who is not less than 15 years of age if  
7 the child is enrolled in an approved driver education  
8 course as defined in Section 1-103 of this Code and  
9 requires an instruction permit to participate therein,  
10 except that an instruction permit may be issued under the  
11 provisions of Section 6-107.1 to a child who is 17 years  
12 and 3 months of age without the child having enrolled in an  
13 approved driver education course and except that an  
14 instruction permit may be issued to a child who is at least  
15 15 years and 3 months of age, is enrolled in school, meets  
16 the educational requirements of the Driver Education Act,  
17 and has passed examinations the Secretary of State in his  
18 or her discretion may prescribe;

19 2. To any person who is under the age of 18 as an  
20 operator of a motorcycle other than a motor driven cycle  
21 unless the person has, in addition to meeting the  
22 provisions of Section 6-107 of this Code, successfully  
23 completed a motorcycle training course approved by the  
24 Illinois Department of Transportation and successfully  
25 completes the required Secretary of State's motorcycle  
26 driver's examination;

1           3. To any person, as a driver, whose driver's license  
2           or permit has been suspended, during the suspension, nor to  
3           any person whose driver's license or permit has been  
4           revoked, except as provided in Sections 6-205, 6-206, and  
5           6-208;

6           4. To any person, as a driver, who is a user of alcohol  
7           or any other drug to a degree that renders the person  
8           incapable of safely driving a motor vehicle;

9           5. To any person, as a driver, who has previously been  
10          adjudged to be afflicted with or suffering from any mental  
11          or physical disability or disease and who has not at the  
12          time of application been restored to competency by the  
13          methods provided by law;

14          6. To any person, as a driver, who is required by the  
15          Secretary of State to submit an alcohol and drug evaluation  
16          or take an examination provided for in this Code unless the  
17          person has successfully passed the examination and  
18          submitted any required evaluation;

19          7. To any person who is required under the provisions  
20          of the laws of this State to deposit security or proof of  
21          financial responsibility and who has not deposited the  
22          security or proof;

23          8. To any person when the Secretary of State has good  
24          cause to believe that the person by reason of physical or  
25          mental disability would not be able to safely operate a  
26          motor vehicle upon the highways, unless the person shall

1 furnish to the Secretary of State a verified written  
2 statement, acceptable to the Secretary of State, from a  
3 competent medical specialist to the effect that the  
4 operation of a motor vehicle by the person would not be  
5 inimical to the public safety;

6 9. To any person, as a driver, who is 69 years of age  
7 or older, unless the person has successfully complied with  
8 the provisions of Section 6-109;

9 10. To any person convicted, within 12 months of  
10 application for a license, of any of the sexual offenses  
11 enumerated in paragraph 2 of subsection (b) of Section  
12 6-205;

13 11. To any person who is under the age of 21 years with  
14 a classification prohibited in paragraph (b) of Section  
15 6-104 and to any person who is under the age of 18 years  
16 with a classification prohibited in paragraph (c) of  
17 Section 6-104;

18 12. To any person who has been either convicted of or  
19 adjudicated under the Juvenile Court Act of 1987 based upon  
20 a violation of the Cannabis Control Act, the Illinois  
21 Controlled Substances Act, or the Methamphetamine Control  
22 and Community Protection Act while that person was in  
23 actual physical control of a motor vehicle. For purposes of  
24 this Section, any person placed on probation under Section  
25 10 of the Cannabis Control Act, Section 410 of the Illinois  
26 Controlled Substances Act, or Section 70 of the

1 Methamphetamine Control and Community Protection Act shall  
2 not be considered convicted. Any person found guilty of  
3 this offense, while in actual physical control of a motor  
4 vehicle, shall have an entry made in the court record by  
5 the judge that this offense did occur while the person was  
6 in actual physical control of a motor vehicle and order the  
7 clerk of the court to report the violation to the Secretary  
8 of State as such. The Secretary of State shall not issue a  
9 new license or permit for a period of one year;

10 13. To any person who is under the age of 18 years and  
11 who has committed the offense of operating a motor vehicle  
12 without a valid license or permit in violation of Section  
13 6-101 or a similar out of state offense;

14 14. To any person who is 90 days or more delinquent in  
15 court ordered child support payments or has been  
16 adjudicated in arrears in an amount equal to 90 days'  
17 obligation or more and who has been found in contempt of  
18 court for failure to pay the support, subject to the  
19 requirements and procedures of Article VII of Chapter 7 of  
20 the Illinois Vehicle Code;

21 14.5. To any person certified by the Illinois  
22 Department of Healthcare and Family Services as being 90  
23 days or more delinquent in payment of support under an  
24 order of support entered by a court or administrative body  
25 of this or any other State, subject to the requirements and  
26 procedures of Article VII of Chapter 7 of this Code

1 regarding those certifications;

2 15. To any person released from a term of imprisonment  
3 for violating Section 9-3 of the Criminal Code of 1961 or a  
4 similar provision of a law of another state relating to  
5 reckless homicide or for violating subparagraph (F) of  
6 paragraph (1) of subsection (d) of Section 11-501 of this  
7 Code relating to aggravated driving under the influence of  
8 alcohol, other drug or drugs, intoxicating compound or  
9 compounds, or any combination thereof, if the violation was  
10 the proximate cause of a death, within 24 months of release  
11 from a term of imprisonment;

12 16. To any person who, with intent to influence any act  
13 related to the issuance of any driver's license or permit,  
14 by an employee of the Secretary of State's Office, or the  
15 owner or employee of any commercial driver exam training  
16 school licensed by the Secretary of State, or any other  
17 individual authorized by the laws of this State to give  
18 driving instructions or administer all or part of a  
19 driver's license examination, promises or tenders to that  
20 person any property or personal advantage which that person  
21 is not authorized by law to accept. Any persons promising  
22 or tendering such property or personal advantage shall be  
23 disqualified from holding any class of driver's license or  
24 permit for 120 consecutive days. The Secretary of State  
25 shall establish by rule the procedures for implementing  
26 this period of disqualification and the procedures by which

1 persons so disqualified may obtain administrative review  
2 of the decision to disqualify;

3 17. To any person for whom the Secretary of State  
4 cannot verify the accuracy of any information or  
5 documentation submitted in application for a driver's  
6 license; or

7 18. To any person who has been adjudicated under the  
8 Juvenile Court Act of 1987 based upon an offense that is  
9 determined by the court to have been committed in  
10 furtherance of the criminal activities of an organized  
11 gang, as provided in Section 5-710 of that Act, and that  
12 involved the operation or use of a motor vehicle or the use  
13 of a driver's license or permit. The person shall be denied  
14 a license or permit for the period determined by the court.

15 The Secretary of State shall retain all conviction  
16 information, if the information is required to be held  
17 confidential under the Juvenile Court Act of 1987.

18 (Source: P.A. 95-310, eff. 1-1-08; 95-337, eff. 6-1-08; 95-685,  
19 eff. 6-23-07; 95-876, eff. 8-21-08; 96-607, eff. 8-24-09;  
20 96-740, eff. 1-1-10; revised 9-15-09.)

21 (625 ILCS 5/6-106.1) (from Ch. 95 1/2, par. 6-106.1)

22 Sec. 6-106.1. School bus driver permit.

23 (a) The Secretary of State shall issue a school bus driver  
24 permit to those applicants who have met all the requirements of  
25 the application and screening process under this Section to

1 insure the welfare and safety of children who are transported  
2 on school buses throughout the State of Illinois. Applicants  
3 shall obtain the proper application required by the Secretary  
4 of State from their prospective or current employer and submit  
5 the completed application to the prospective or current  
6 employer along with the necessary fingerprint submission as  
7 required by the Department of State Police to conduct  
8 fingerprint based criminal background checks on current and  
9 future information available in the state system and current  
10 information available through the Federal Bureau of  
11 Investigation's system. Applicants who have completed the  
12 fingerprinting requirements shall not be subjected to the  
13 fingerprinting process when applying for subsequent permits or  
14 submitting proof of successful completion of the annual  
15 refresher course. Individuals who on the effective date of this  
16 Act possess a valid school bus driver permit that has been  
17 previously issued by the appropriate Regional School  
18 Superintendent are not subject to the fingerprinting  
19 provisions of this Section as long as the permit remains valid  
20 and does not lapse. The applicant shall be required to pay all  
21 related application and fingerprinting fees as established by  
22 rule including, but not limited to, the amounts established by  
23 the Department of State Police and the Federal Bureau of  
24 Investigation to process fingerprint based criminal background  
25 investigations. All fees paid for fingerprint processing  
26 services under this Section shall be deposited into the State

1 Police Services Fund for the cost incurred in processing the  
2 fingerprint based criminal background investigations. All  
3 other fees paid under this Section shall be deposited into the  
4 Road Fund for the purpose of defraying the costs of the  
5 Secretary of State in administering this Section. All  
6 applicants must:

7 1. be 21 years of age or older;

8 2. possess a valid and properly classified driver's  
9 license issued by the Secretary of State;

10 3. possess a valid driver's license, which has not been  
11 revoked, suspended, or canceled for 3 years immediately  
12 prior to the date of application, or have not had his or  
13 her commercial motor vehicle driving privileges  
14 disqualified within the 3 years immediately prior to the  
15 date of application;

16 4. successfully pass a written test, administered by  
17 the Secretary of State, on school bus operation, school bus  
18 safety, and special traffic laws relating to school buses  
19 and submit to a review of the applicant's driving habits by  
20 the Secretary of State at the time the written test is  
21 given;

22 5. demonstrate ability to exercise reasonable care in  
23 the operation of school buses in accordance with rules  
24 promulgated by the Secretary of State;

25 6. demonstrate physical fitness to operate school  
26 buses by submitting the results of a medical examination,

1 including tests for drug use for each applicant not subject  
2 to such testing pursuant to federal law, conducted by a  
3 licensed physician, an advanced practice nurse who has a  
4 written collaborative agreement with a collaborating  
5 physician which authorizes him or her to perform medical  
6 examinations, or a physician assistant who has been  
7 delegated the performance of medical examinations by his or  
8 her supervising physician within 90 days of the date of  
9 application according to standards promulgated by the  
10 Secretary of State;

11 7. affirm under penalties of perjury that he or she has  
12 not made a false statement or knowingly concealed a  
13 material fact in any application for permit;

14 8. have completed an initial classroom course,  
15 including first aid procedures, in school bus driver safety  
16 as promulgated by the Secretary of State; and after  
17 satisfactory completion of said initial course an annual  
18 refresher course; such courses and the agency or  
19 organization conducting such courses shall be approved by  
20 the Secretary of State; failure to complete the annual  
21 refresher course, shall result in cancellation of the  
22 permit until such course is completed;

23 9. not have been convicted of 2 or more serious traffic  
24 offenses, as defined by rule, within one year prior to the  
25 date of application that may endanger the life or safety of  
26 any of the driver's passengers within the duration of the

1 permit period;

2 10. not have been convicted of reckless driving,  
3 driving while intoxicated, or reckless homicide resulting  
4 from the operation of a motor vehicle within 3 years of the  
5 date of application;

6 11. not have been convicted of committing or attempting  
7 to commit any one or more of the following offenses: (i)  
8 those offenses defined in Sections 9-1, 9-1.2, 9-2, 9-2.1,  
9 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5, 10-6,  
10 10-7, 11-6, 11-9, 11-9.1, 11-14, 11-15, 11-15.1, 11-16,  
11 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,  
12 11-21, 11-22, 12-3.1, 12-4.1, 12-4.2, 12-4.3, 12-4.4,  
13 12-4.5, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-11,  
14 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5,  
15 12-21.6, 12-33, 18-1, 18-2, 18-3, 18-4, 18-5, 20-1, 20-1.1,  
16 20-2, 24-1, 24-1.1, 24-1.2, 24-3.3, 31A-1, 31A-1.1, and  
17 33A-2, and in subsection (a) and subsection (b), clause  
18 (1), of Section 12-4 of the Criminal Code of 1961; (ii)  
19 those offenses defined in the Cannabis Control Act except  
20 those offenses defined in subsections (a) and (b) of  
21 Section 4, and subsection (a) of Section 5 of the Cannabis  
22 Control Act; (iii) those offenses defined in the Illinois  
23 Controlled Substances Act; (iv) those offenses defined in  
24 the Methamphetamine Control and Community Protection Act;  
25 (v) any offense committed or attempted in any other state  
26 or against the laws of the United States, which if

1 committed or attempted in this State would be punishable as  
2 one or more of the foregoing offenses; (vi) the offenses  
3 defined in Section 4.1 and 5.1 of the Wrongs to Children  
4 Act and (vii) those offenses defined in Section 6-16 of the  
5 Liquor Control Act of 1934;

6 12. not have been repeatedly involved as a driver in  
7 motor vehicle collisions or been repeatedly convicted of  
8 offenses against laws and ordinances regulating the  
9 movement of traffic, to a degree which indicates lack of  
10 ability to exercise ordinary and reasonable care in the  
11 safe operation of a motor vehicle or disrespect for the  
12 traffic laws and the safety of other persons upon the  
13 highway;

14 13. not have, through the unlawful operation of a motor  
15 vehicle, caused an accident resulting in the death of any  
16 person; and

17 14. not have, within the last 5 years, been adjudged to  
18 be afflicted with or suffering from any mental disability  
19 or disease.

20 (b) A school bus driver permit shall be valid for a period  
21 specified by the Secretary of State as set forth by rule. It  
22 shall be renewable upon compliance with subsection (a) of this  
23 Section.

24 (c) A school bus driver permit shall contain the holder's  
25 driver's license number, legal name, residence address, zip  
26 code, social security number and date of birth, a brief

1 description of the holder and a space for signature. The  
2 Secretary of State may require a suitable photograph of the  
3 holder.

4 (d) The employer shall be responsible for conducting a  
5 pre-employment interview with prospective school bus driver  
6 candidates, distributing school bus driver applications and  
7 medical forms to be completed by the applicant, and submitting  
8 the applicant's fingerprint cards to the Department of State  
9 Police that are required for the criminal background  
10 investigations. The employer shall certify in writing to the  
11 Secretary of State that all pre-employment conditions have been  
12 successfully completed including the successful completion of  
13 an Illinois specific criminal background investigation through  
14 the Department of State Police and the submission of necessary  
15 fingerprints to the Federal Bureau of Investigation for  
16 criminal history information available through the Federal  
17 Bureau of Investigation system. The applicant shall present the  
18 certification to the Secretary of State at the time of  
19 submitting the school bus driver permit application.

20 (e) Permits shall initially be provisional upon receiving  
21 certification from the employer that all pre-employment  
22 conditions have been successfully completed, and upon  
23 successful completion of all training and examination  
24 requirements for the classification of the vehicle to be  
25 operated, the Secretary of State shall provisionally issue a  
26 School Bus Driver Permit. The permit shall remain in a

1 provisional status pending the completion of the Federal Bureau  
2 of Investigation's criminal background investigation based  
3 upon fingerprinting specimens submitted to the Federal Bureau  
4 of Investigation by the Department of State Police. The Federal  
5 Bureau of Investigation shall report the findings directly to  
6 the Secretary of State. The Secretary of State shall remove the  
7 bus driver permit from provisional status upon the applicant's  
8 successful completion of the Federal Bureau of Investigation's  
9 criminal background investigation.

10 (f) A school bus driver permit holder shall notify the  
11 employer and the Secretary of State if he or she is convicted  
12 in another state of an offense that would make him or her  
13 ineligible for a permit under subsection (a) of this Section.  
14 The written notification shall be made within 5 days of the  
15 entry of the conviction. Failure of the permit holder to  
16 provide the notification is punishable as a petty offense for a  
17 first violation and a Class B misdemeanor for a second or  
18 subsequent violation.

19 (g) Cancellation; suspension; notice and procedure.

20 (1) The Secretary of State shall cancel a school bus  
21 driver permit of an applicant whose criminal background  
22 investigation discloses that he or she is not in compliance  
23 with the provisions of subsection (a) of this Section.

24 (2) The Secretary of State shall cancel a school bus  
25 driver permit when he or she receives notice that the  
26 permit holder fails to comply with any provision of this

1 Section or any rule promulgated for the administration of  
2 this Section.

3 (3) The Secretary of State shall cancel a school bus  
4 driver permit if the permit holder's restricted commercial  
5 or commercial driving privileges are withdrawn or  
6 otherwise invalidated.

7 (4) The Secretary of State may not issue a school bus  
8 driver permit for a period of 3 years to an applicant who  
9 fails to obtain a negative result on a drug test as  
10 required in item 6 of subsection (a) of this Section or  
11 under federal law.

12 (5) The Secretary of State shall forthwith suspend a  
13 school bus driver permit for a period of 3 years upon  
14 receiving notice that the holder has failed to obtain a  
15 negative result on a drug test as required in item 6 of  
16 subsection (a) of this Section or under federal law.

17 (6) The Secretary of State shall suspend a school bus  
18 driver permit for a period of 3 years upon receiving notice  
19 from the employer that the holder failed to perform the  
20 inspection procedure set forth in subsection (a) or (b) of  
21 Section 12-816 of this Code.

22 The Secretary of State shall notify the State  
23 Superintendent of Education and the permit holder's  
24 prospective or current employer that the applicant has (1) has  
25 failed a criminal background investigation or (2) is no longer  
26 eligible for a school bus driver permit; and of the related

1 cancellation of the applicant's provisional school bus driver  
2 permit. The cancellation shall remain in effect pending the  
3 outcome of a hearing pursuant to Section 2-118 of this Code.  
4 The scope of the hearing shall be limited to the issuance  
5 criteria contained in subsection (a) of this Section. A  
6 petition requesting a hearing shall be submitted to the  
7 Secretary of State and shall contain the reason the individual  
8 feels he or she is entitled to a school bus driver permit. The  
9 permit holder's employer shall notify in writing to the  
10 Secretary of State that the employer has certified the removal  
11 of the offending school bus driver from service prior to the  
12 start of that school bus driver's next workshift. An employing  
13 school board that fails to remove the offending school bus  
14 driver from service is subject to the penalties defined in  
15 Section 3-14.23 of the School Code. A school bus contractor who  
16 violates a provision of this Section is subject to the  
17 penalties defined in Section 6-106.11.

18 All valid school bus driver permits issued under this  
19 Section prior to January 1, 1995, shall remain effective until  
20 their expiration date unless otherwise invalidated.

21 (h) When a school bus driver permit holder who is a service  
22 member is called to active duty, the employer of the permit  
23 holder shall notify the Secretary of State, within 30 days of  
24 notification from the permit holder, that the permit holder has  
25 been called to active duty. Upon notification pursuant to this  
26 subsection, (i) the Secretary of State shall characterize the

1 permit as inactive until a permit holder renews the permit as  
2 provided in subsection (i) of this Section, and (ii) if a  
3 permit holder fails to comply with the requirements of this  
4 Section while called to active duty, the Secretary of State  
5 shall not characterize the permit as invalid.

6 (i) A school bus driver permit holder who is a service  
7 member returning from active duty must, within 90 days, renew a  
8 permit characterized as inactive pursuant to subsection (h) of  
9 this Section by complying with the renewal requirements of  
10 subsection (b) of this Section.

11 (j) For purposes of subsections (h) and (i) of this  
12 Section:

13 "Active duty" means active duty pursuant to an executive  
14 order of the President of the United States, an act of the  
15 Congress of the United States, or an order of the Governor.

16 "Service member" means a member of the Armed Services or  
17 reserve forces of the United States or a member of the Illinois  
18 National Guard.

19 (Source: P.A. 96-89, eff. 7-27-09; 96-818, eff. 11-17-09;  
20 revised 12-1-09.)

21 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

22 Sec. 6-303. Driving while driver's license, permit or  
23 privilege to operate a motor vehicle is suspended or revoked.

24 (a) Except as otherwise provided in subsection (a-5), any  
25 person who drives or is in actual physical control of a motor

1 vehicle on any highway of this State at a time when such  
2 person's driver's license, permit or privilege to do so or the  
3 privilege to obtain a driver's license or permit is revoked or  
4 suspended as provided by this Code or the law of another state,  
5 except as may be specifically allowed by a judicial driving  
6 permit issued prior to January 1, 2009, monitoring device  
7 driving permit, family financial responsibility driving  
8 permit, probationary license to drive, or a restricted driving  
9 permit issued pursuant to this Code or under the law of another  
10 state, shall be guilty of a Class A misdemeanor.

11 (a-5) Any person who violates this Section as provided in  
12 subsection (a) while his or her driver's license, permit or  
13 privilege is revoked because of a violation of Section 9-3 of  
14 the Criminal Code of 1961, relating to the offense of reckless  
15 homicide or a similar provision of a law of another state, is  
16 guilty of a Class 4 felony. The person shall be required to  
17 undergo a professional evaluation, as provided in Section  
18 11-501 of this Code, to determine if an alcohol, drug, or  
19 intoxicating compound problem exists and the extent of the  
20 problem, and to undergo the imposition of treatment as  
21 appropriate.

22 (b) (Blank).

23 (b-1) Upon receiving a report of the conviction of any  
24 violation indicating a person was operating a motor vehicle  
25 during the time when the person's driver's license, permit or  
26 privilege was suspended by the Secretary of State or the

1 driver's licensing administrator of another state, except as  
2 specifically allowed by a probationary license, judicial  
3 driving permit, restricted driving permit or monitoring device  
4 driving permit the Secretary shall extend the suspension for  
5 the same period of time as the originally imposed suspension  
6 unless the suspension has already expired, in which case the  
7 Secretary shall be authorized to suspend the person's driving  
8 privileges for the same period of time as the originally  
9 imposed suspension.

10 (b-2) Except as provided in subsection (b-6), upon  
11 receiving a report of the conviction of any violation  
12 indicating a person was operating a motor vehicle when the  
13 person's driver's license, permit or privilege was revoked by  
14 the Secretary of State or the driver's license administrator of  
15 any other state, except as specifically allowed by a restricted  
16 driving permit issued pursuant to this Code or the law of  
17 another state, the Secretary shall not issue a driver's license  
18 for an additional period of one year from the date of such  
19 conviction indicating such person was operating a vehicle  
20 during such period of revocation.

21 (b-3) (Blank).

22 (b-4) When the Secretary of State receives a report of a  
23 conviction of any violation indicating a person was operating a  
24 motor vehicle that was not equipped with an ignition interlock  
25 device during a time when the person was prohibited from  
26 operating a motor vehicle not equipped with such a device, the

1 Secretary shall not issue a driver's license to that person for  
2 an additional period of one year from the date of the  
3 conviction.

4 (b-5) Any person convicted of violating this Section shall  
5 serve a minimum term of imprisonment of 30 consecutive days or  
6 300 hours of community service when the person's driving  
7 privilege was revoked or suspended as a result of a violation  
8 of Section 9-3 of the Criminal Code of 1961, as amended,  
9 relating to the offense of reckless homicide, or a similar  
10 provision of a law of another state.

11 (b-6) Upon receiving a report of a first conviction of  
12 operating a motor vehicle while the person's driver's license,  
13 permit or privilege was revoked where the revocation was for a  
14 violation of Section 9-3 of the Criminal Code of 1961 relating  
15 to the offense of reckless homicide or a similar out-of-state  
16 offense, the Secretary shall not issue a driver's license for  
17 an additional period of three years from the date of such  
18 conviction.

19 (c) Except as provided in subsections (c-3) and (c-4), any  
20 person convicted of violating this Section shall serve a  
21 minimum term of imprisonment of 10 consecutive days or 30 days  
22 of community service when the person's driving privilege was  
23 revoked or suspended as a result of:

24 (1) a violation of Section 11-501 of this Code or a  
25 similar provision of a local ordinance relating to the  
26 offense of operating or being in physical control of a

1 vehicle while under the influence of alcohol, any other  
2 drug or any combination thereof; or

3 (2) a violation of paragraph (b) of Section 11-401 of  
4 this Code or a similar provision of a local ordinance  
5 relating to the offense of leaving the scene of a motor  
6 vehicle accident involving personal injury or death; or

7 (3) a statutory summary suspension under Section  
8 11-501.1 of this Code.

9 Such sentence of imprisonment or community service shall  
10 not be subject to suspension in order to reduce such sentence.

11 (c-1) Except as provided in subsections (c-5) and (d), any  
12 person convicted of a second violation of this Section shall be  
13 ordered by the court to serve a minimum of 100 hours of  
14 community service.

15 (c-2) In addition to other penalties imposed under this  
16 Section, the court may impose on any person convicted a fourth  
17 time of violating this Section any of the following:

18 (1) Seizure of the license plates of the person's  
19 vehicle.

20 (2) Immobilization of the person's vehicle for a period  
21 of time to be determined by the court.

22 (c-3) Any person convicted of a violation of this Section  
23 during a period of summary suspension imposed pursuant to  
24 Section 11-501.1 when the person was eligible for a MDDP shall  
25 be guilty of a Class 4 felony and shall serve a minimum term of  
26 imprisonment of 30 days.

1           (c-4) Any person who has been issued a MDDP and who is  
2 convicted of a violation of this Section as a result of  
3 operating or being in actual physical control of a motor  
4 vehicle not equipped with an ignition interlock device at the  
5 time of the offense shall be guilty of a Class 4 felony and  
6 shall serve a minimum term of imprisonment of 30 days.

7           (c-5) Any person convicted of a second violation of this  
8 Section is guilty of a Class 2 felony, is not eligible for  
9 probation or conditional discharge, and shall serve a mandatory  
10 term of imprisonment, if the revocation or suspension was for a  
11 violation of Section 9-3 of the Criminal Code of 1961, relating  
12 to the offense of reckless homicide, or a similar out-of-state  
13 offense.

14           (d) Any person convicted of a second violation of this  
15 Section shall be guilty of a Class 4 felony and shall serve a  
16 minimum term of imprisonment of 30 days or 300 hours of  
17 community service, as determined by the court, if the original  
18 revocation or suspension was for a violation of Section 11-401  
19 or 11-501 of this Code, or a similar out-of-state offense, or a  
20 similar provision of a local ordinance, or a statutory summary  
21 suspension under Section 11-501.1 of this Code.

22           (d-1) Except as provided in subsections (d-2), (d-2.5), and  
23 (d-3), any person convicted of a third or subsequent violation  
24 of this Section shall serve a minimum term of imprisonment of  
25 30 days or 300 hours of community service, as determined by the  
26 court.

1           (d-2) Any person convicted of a third violation of this  
2 Section is guilty of a Class 4 felony and must serve a minimum  
3 term of imprisonment of 30 days if the revocation or suspension  
4 was for a violation of Section 11-401 or 11-501 of this Code,  
5 or a similar out-of-state offense, or a similar provision of a  
6 local ordinance, or a statutory summary suspension under  
7 Section 11-501.1 of this Code.

8           (d-2.5) Any person convicted of a third violation of this  
9 Section is guilty of a Class 1 felony, is not eligible for  
10 probation or conditional discharge, and must serve a mandatory  
11 term of imprisonment if the revocation or suspension was for a  
12 violation of Section 9-3 of the Criminal Code of 1961, relating  
13 to the offense of reckless homicide, or a similar out-of-state  
14 offense. The person's driving privileges shall be revoked for  
15 the remainder of the person's life.

16           (d-3) Any person convicted of a fourth, fifth, sixth,  
17 seventh, eighth, or ninth violation of this Section is guilty  
18 of a Class 4 felony and must serve a minimum term of  
19 imprisonment of 180 days if the revocation or suspension was  
20 for a violation of Section 11-401 or 11-501 of this Code, or a  
21 similar out-of-state offense, or a similar provision of a local  
22 ordinance, or a statutory summary suspension under Section  
23 11-501.1 of this Code.

24           (d-3.5) Any person convicted of a fourth or subsequent  
25 violation of this Section is guilty of a Class 1 felony, is not  
26 eligible for probation or conditional discharge, and must serve

1 a mandatory term of imprisonment, and is eligible for an  
2 extended term, if the revocation or suspension was for a  
3 violation of Section 9-3 of the Criminal Code of 1961, relating  
4 to the offense of reckless homicide, or a similar out-of-state  
5 offense.

6 (d-4) Any person convicted of a tenth, eleventh, twelfth,  
7 thirteenth, or fourteenth violation of this Section is guilty  
8 of a Class 3 felony, and is not eligible for probation or  
9 conditional discharge, if the revocation or suspension was for  
10 a violation of Section 11-401 or 11-501 of this Code, or a  
11 similar out-of-state offense, or a similar provision of a local  
12 ordinance, or a statutory summary suspension under Section  
13 11-501.1 of this Code.

14 (d-5) Any person convicted of a fifteenth or subsequent  
15 violation of this Section is guilty of a Class 2 felony, and is  
16 not eligible for probation or conditional discharge, if the  
17 revocation or suspension was for a violation of Section 11-401  
18 or 11-501 of this Code, or a similar out-of-state offense, or a  
19 similar provision of a local ordinance, or a statutory summary  
20 suspension under Section 11-501.1 of this Code.

21 (e) Any person in violation of this Section who is also in  
22 violation of Section 7-601 of this Code relating to mandatory  
23 insurance requirements, in addition to other penalties imposed  
24 under this Section, shall have his or her motor vehicle  
25 immediately impounded by the arresting law enforcement  
26 officer. The motor vehicle may be released to any licensed

1 driver upon a showing of proof of insurance for the vehicle  
2 that was impounded and the notarized written consent for the  
3 release by the vehicle owner.

4 (f) For any prosecution under this Section, a certified  
5 copy of the driving abstract of the defendant shall be admitted  
6 as proof of any prior conviction.

7 (g) The motor vehicle used in a violation of this Section  
8 is subject to seizure and forfeiture as provided in Sections  
9 36-1 and 36-2 of the Criminal Code of 1961 if the person's  
10 driving privilege was revoked or suspended as a result of a  
11 violation listed in paragraph (1) or (2) of subsection (c) of  
12 this Section, as a result of a summary suspension as provided  
13 in paragraph (3) of subsection (c) of this Section, or as a  
14 result of a violation of Section 9-3 of the Criminal Code of  
15 1961 relating to the offense of reckless homicide.

16 (Source: P.A. 95-27, eff. 1-1-08; 95-377, eff. 1-1-08; 95-400,  
17 eff. 1-1-09; 95-578, eff. 6-1-08; 95-876, eff. 8-21-08; 95-991,  
18 eff. 6-1-09; 96-502, eff. 1-1-10; 96-607, eff. 8-24-09; revised  
19 9-15-09.)

20 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

21 Sec. 11-208.3. Administrative adjudication of violations  
22 of traffic regulations concerning the standing, parking, or  
23 condition of vehicles and automated traffic law violations.

24 (a) Any municipality may provide by ordinance for a system  
25 of administrative adjudication of vehicular standing and

1 parking violations and vehicle compliance violations as  
2 defined in this subsection and automated traffic law violations  
3 as defined in Section 11-208.6 or 11-1201.1. The administrative  
4 system shall have as its purpose the fair and efficient  
5 enforcement of municipal regulations through the  
6 administrative adjudication of automated traffic law  
7 violations and violations of municipal ordinances regulating  
8 the standing and parking of vehicles, the condition and use of  
9 vehicle equipment, and the display of municipal wheel tax  
10 licenses within the municipality's borders. The administrative  
11 system shall only have authority to adjudicate civil offenses  
12 carrying fines not in excess of \$500 or requiring the  
13 completion of a traffic education program, or both, that occur  
14 after the effective date of the ordinance adopting such a  
15 system under this Section. For purposes of this Section,  
16 "compliance violation" means a violation of a municipal  
17 regulation governing the condition or use of equipment on a  
18 vehicle or governing the display of a municipal wheel tax  
19 license.

20 (b) Any ordinance establishing a system of administrative  
21 adjudication under this Section shall provide for:

22 (1) A traffic compliance administrator authorized to  
23 adopt, distribute and process parking, compliance, and  
24 automated traffic law violation notices and other notices  
25 required by this Section, collect money paid as fines and  
26 penalties for violation of parking and compliance

1           ordinances and automated traffic law violations, and  
2           operate an administrative adjudication system. The traffic  
3           compliance administrator also may make a certified report  
4           to the Secretary of State under Section 6-306.5.

5           (2) A parking, standing, compliance, or automated  
6           traffic law violation notice that shall specify the date,  
7           time, and place of violation of a parking, standing,  
8           compliance, or automated traffic law regulation; the  
9           particular regulation violated; any requirement to  
10          complete a traffic education program; the fine and any  
11          penalty that may be assessed for late payment or failure to  
12          complete a required traffic education program, or both,  
13          when so provided by ordinance; the vehicle make and state  
14          registration number; and the identification number of the  
15          person issuing the notice. With regard to automated traffic  
16          law violations, vehicle make shall be specified on the  
17          automated traffic law violation notice if the make is  
18          available and readily discernible. With regard to  
19          municipalities with a population of 1 million or more, it  
20          shall be grounds for dismissal of a parking violation if  
21          the state registration number or vehicle make specified is  
22          incorrect. The violation notice shall state that the  
23          completion of any required traffic education program, the  
24          payment of any indicated fine, and the payment of any  
25          applicable penalty for late payment or failure to complete  
26          a required traffic education program, or both, shall

1 operate as a final disposition of the violation. The notice  
2 also shall contain information as to the availability of a  
3 hearing in which the violation may be contested on its  
4 merits. The violation notice shall specify the time and  
5 manner in which a hearing may be had.

6 (3) Service of the parking, standing, or compliance  
7 violation notice by affixing the original or a facsimile of  
8 the notice to an unlawfully parked vehicle or by handing  
9 the notice to the operator of a vehicle if he or she is  
10 present and service of an automated traffic law violation  
11 notice by mail to the address of the registered owner of  
12 the cited vehicle as recorded with the Secretary of State  
13 within 30 days after the Secretary of State notifies the  
14 municipality or county of the identity of the owner of the  
15 vehicle, but in no event later than 90 days after the  
16 violation. A person authorized by ordinance to issue and  
17 serve parking, standing, and compliance violation notices  
18 shall certify as to the correctness of the facts entered on  
19 the violation notice by signing his or her name to the  
20 notice at the time of service or in the case of a notice  
21 produced by a computerized device, by signing a single  
22 certificate to be kept by the traffic compliance  
23 administrator attesting to the correctness of all notices  
24 produced by the device while it was under his or her  
25 control. In the case of an automated traffic law violation,  
26 the ordinance shall require a determination by a technician

1 employed or contracted by the municipality or county that,  
2 based on inspection of recorded images, the motor vehicle  
3 was being operated in violation of Section 11-208.6 or  
4 11-1201.1 or a local ordinance. If the technician  
5 determines that the vehicle entered the intersection as  
6 part of a funeral procession or in order to yield the  
7 right-of-way to an emergency vehicle, a citation shall not  
8 be issued. The original or a facsimile of the violation  
9 notice or, in the case of a notice produced by a  
10 computerized device, a printed record generated by the  
11 device showing the facts entered on the notice, shall be  
12 retained by the traffic compliance administrator, and  
13 shall be a record kept in the ordinary course of business.  
14 A parking, standing, compliance, or automated traffic law  
15 violation notice issued, signed and served in accordance  
16 with this Section, a copy of the notice, or the computer  
17 generated record shall be prima facie correct and shall be  
18 prima facie evidence of the correctness of the facts shown  
19 on the notice. The notice, copy, or computer generated  
20 record shall be admissible in any subsequent  
21 administrative or legal proceedings.

22 (4) An opportunity for a hearing for the registered  
23 owner of the vehicle cited in the parking, standing,  
24 compliance, or automated traffic law violation notice in  
25 which the owner may contest the merits of the alleged  
26 violation, and during which formal or technical rules of

1 evidence shall not apply; provided, however, that under  
2 Section 11-1306 of this Code the lessee of a vehicle cited  
3 in the violation notice likewise shall be provided an  
4 opportunity for a hearing of the same kind afforded the  
5 registered owner. The hearings shall be recorded, and the  
6 person conducting the hearing on behalf of the traffic  
7 compliance administrator shall be empowered to administer  
8 oaths and to secure by subpoena both the attendance and  
9 testimony of witnesses and the production of relevant books  
10 and papers. Persons appearing at a hearing under this  
11 Section may be represented by counsel at their expense. The  
12 ordinance may also provide for internal administrative  
13 review following the decision of the hearing officer.

14 (5) Service of additional notices, sent by first class  
15 United States mail, postage prepaid, to the address of the  
16 registered owner of the cited vehicle as recorded with the  
17 Secretary of State or, if any notice to that address is  
18 returned as undeliverable, to the last known address  
19 recorded in a United States Post Office approved database,  
20 or, under Section 11-1306 of this Code, to the lessee of  
21 the cited vehicle at the last address known to the lessor  
22 of the cited vehicle at the time of lease or, if any notice  
23 to that address is returned as undeliverable, to the last  
24 known address recorded in a United States Post Office  
25 approved database. The service shall be deemed complete as  
26 of the date of deposit in the United States mail. The

1 notices shall be in the following sequence and shall  
2 include but not be limited to the information specified  
3 herein:

4 (i) A second notice of parking, standing, or  
5 compliance violation. This notice shall specify the  
6 date and location of the violation cited in the  
7 parking, standing, or compliance violation notice, the  
8 particular regulation violated, the vehicle make and  
9 state registration number, any requirement to complete  
10 a traffic education program, the fine and any penalty  
11 that may be assessed for late payment or failure to  
12 complete a traffic education program, or both, when so  
13 provided by ordinance, the availability of a hearing in  
14 which the violation may be contested on its merits, and  
15 the time and manner in which the hearing may be had.  
16 The notice of violation shall also state that failure  
17 to complete a required traffic education program, to  
18 pay the indicated fine and any applicable penalty, or  
19 to appear at a hearing on the merits in the time and  
20 manner specified, will result in a final determination  
21 of violation liability for the cited violation in the  
22 amount of the fine or penalty indicated, and that, upon  
23 the occurrence of a final determination of violation  
24 liability for the failure, and the exhaustion of, or  
25 failure to exhaust, available administrative or  
26 judicial procedures for review, any incomplete traffic

1 education program or any unpaid fine or penalty, or  
2 both, will constitute a debt due and owing the  
3 municipality.

4 (ii) A notice of final determination of parking,  
5 standing, compliance, or automated traffic law  
6 violation liability. This notice shall be sent  
7 following a final determination of parking, standing,  
8 compliance, or automated traffic law violation  
9 liability and the conclusion of judicial review  
10 procedures taken under this Section. The notice shall  
11 state that the incomplete traffic education program or  
12 the unpaid fine or penalty, or both, is a debt due and  
13 owing the municipality. The notice shall contain  
14 warnings that failure to complete any required traffic  
15 education program or to pay any fine or penalty due and  
16 owing the municipality, or both, within the time  
17 specified may result in the municipality's filing of a  
18 petition in the Circuit Court to have the incomplete  
19 traffic education program or unpaid fine or penalty, or  
20 both, rendered a judgment as provided by this Section,  
21 or may result in suspension of the person's drivers  
22 license for failure to complete a traffic education  
23 program or to pay fines or penalties, or both, for 10  
24 or more parking violations under Section 6-306.5 or 5  
25 or more automated traffic law violations under Section  
26 11-208.6.

1           (6) A notice of impending drivers license suspension.  
2           This notice shall be sent to the person liable for failure  
3           to complete a required traffic education program or to pay  
4           any fine or penalty that remains due and owing, or both, on  
5           10 or more parking violations or 5 or more unpaid automated  
6           traffic law violations. The notice shall state that failure  
7           to complete a required traffic education program or to pay  
8           the fine or penalty owing, or both, within 45 days of the  
9           notice's date will result in the municipality notifying the  
10          Secretary of State that the person is eligible for  
11          initiation of suspension proceedings under Section 6-306.5  
12          of this Code. The notice shall also state that the person  
13          may obtain a photostatic copy of an original ticket  
14          imposing a fine or penalty by sending a self addressed,  
15          stamped envelope to the municipality along with a request  
16          for the photostatic copy. The notice of impending drivers  
17          license suspension shall be sent by first class United  
18          States mail, postage prepaid, to the address recorded with  
19          the Secretary of State or, if any notice to that address is  
20          returned as undeliverable, to the last known address  
21          recorded in a United States Post Office approved database.

22          (7) Final determinations of violation liability. A  
23          final determination of violation liability shall occur  
24          following failure to complete the required traffic  
25          education program or to pay the fine or penalty, or both,  
26          after a hearing officer's determination of violation

1 liability and the exhaustion of or failure to exhaust any  
2 administrative review procedures provided by ordinance.  
3 Where a person fails to appear at a hearing to contest the  
4 alleged violation in the time and manner specified in a  
5 prior mailed notice, the hearing officer's determination  
6 of violation liability shall become final: (A) upon denial  
7 of a timely petition to set aside that determination, or  
8 (B) upon expiration of the period for filing the petition  
9 without a filing having been made.

10 (8) A petition to set aside a determination of parking,  
11 standing, compliance, or automated traffic law violation  
12 liability that may be filed by a person owing an unpaid  
13 fine or penalty. A petition to set aside a determination of  
14 liability may also be filed by a person required to  
15 complete a traffic education program. The petition shall be  
16 filed with and ruled upon by the traffic compliance  
17 administrator in the manner and within the time specified  
18 by ordinance. The grounds for the petition may be limited  
19 to: (A) the person not having been the owner or lessee of  
20 the cited vehicle on the date the violation notice was  
21 issued, (B) the person having already completed the  
22 required traffic education program or paid the fine or  
23 penalty, or both, for the violation in question, and (C)  
24 excusable failure to appear at or request a new date for a  
25 hearing. With regard to municipalities with a population of  
26 1 million or more, it shall be grounds for dismissal of a

1 parking violation if the state registration number, or  
2 vehicle make if specified, is incorrect. After the  
3 determination of parking, standing, compliance, or  
4 automated traffic law violation liability has been set  
5 aside upon a showing of just cause, the registered owner  
6 shall be provided with a hearing on the merits for that  
7 violation.

8 (9) Procedures for non-residents. Procedures by which  
9 persons who are not residents of the municipality may  
10 contest the merits of the alleged violation without  
11 attending a hearing.

12 (10) A schedule of civil fines for violations of  
13 vehicular standing, parking, compliance, or automated  
14 traffic law regulations enacted by ordinance pursuant to  
15 this Section, and a schedule of penalties for late payment  
16 of the fines or failure to complete required traffic  
17 education programs, provided, however, that the total  
18 amount of the fine and penalty for any one violation shall  
19 not exceed \$250, except as provided in subsection (c) of  
20 Section 11-1301.3 of this Code.

21 (11) Other provisions as are necessary and proper to  
22 carry into effect the powers granted and purposes stated in  
23 this Section.

24 (c) Any municipality establishing vehicular standing,  
25 parking, compliance, or automated traffic law regulations  
26 under this Section may also provide by ordinance for a program

1 of vehicle immobilization for the purpose of facilitating  
2 enforcement of those regulations. The program of vehicle  
3 immobilization shall provide for immobilizing any eligible  
4 vehicle upon the public way by presence of a restraint in a  
5 manner to prevent operation of the vehicle. Any ordinance  
6 establishing a program of vehicle immobilization under this  
7 Section shall provide:

8 (1) Criteria for the designation of vehicles eligible  
9 for immobilization. A vehicle shall be eligible for  
10 immobilization when the registered owner of the vehicle has  
11 accumulated the number of incomplete traffic education  
12 programs or unpaid final determinations of parking,  
13 standing, compliance, or automated traffic law violation  
14 liability, or both, as determined by ordinance.

15 (2) A notice of impending vehicle immobilization and a  
16 right to a hearing to challenge the validity of the notice  
17 by disproving liability for the incomplete traffic  
18 education programs or unpaid final determinations of  
19 parking, standing, compliance, or automated traffic law  
20 violation liability, or both, listed on the notice.

21 (3) The right to a prompt hearing after a vehicle has  
22 been immobilized or subsequently towed without the  
23 completion of the required traffic education program or  
24 payment of the outstanding fines and penalties on parking,  
25 standing, compliance, or automated traffic law violations,  
26 or both, for which final determinations have been issued.

1           An order issued after the hearing is a final administrative  
2           decision within the meaning of Section 3-101 of the Code of  
3           Civil Procedure.

4           (4) A post immobilization and post-towing notice  
5           advising the registered owner of the vehicle of the right  
6           to a hearing to challenge the validity of the impoundment.

7           (d) Judicial review of final determinations of parking,  
8           standing, compliance, or automated traffic law violations and  
9           final administrative decisions issued after hearings regarding  
10          vehicle immobilization and impoundment made under this Section  
11          shall be subject to the provisions of the Administrative Review  
12          Law.

13          (e) Any fine, penalty, incomplete traffic education  
14          program, or part of any fine or any penalty remaining unpaid  
15          after the exhaustion of, or the failure to exhaust,  
16          administrative remedies created under this Section and the  
17          conclusion of any judicial review procedures shall be a debt  
18          due and owing the municipality and, as such, may be collected  
19          in accordance with applicable law. Completion of any required  
20          traffic education program and payment in full of any fine or  
21          penalty resulting from a standing, parking, compliance, or  
22          automated traffic law violation shall constitute a final  
23          disposition of that violation.

24          (f) After the expiration of the period within which  
25          judicial review may be sought for a final determination of  
26          parking, standing, compliance, or automated traffic law

1 violation, the municipality may commence a proceeding in the  
2 Circuit Court for purposes of obtaining a judgment on the final  
3 determination of violation. Nothing in this Section shall  
4 prevent a municipality from consolidating multiple final  
5 determinations of parking, standing, compliance, or automated  
6 traffic law violations against a person in a proceeding. Upon  
7 commencement of the action, the municipality shall file a  
8 certified copy or record of the final determination of parking,  
9 standing, compliance, or automated traffic law violation,  
10 which shall be accompanied by a certification that recites  
11 facts sufficient to show that the final determination of  
12 violation was issued in accordance with this Section and the  
13 applicable municipal ordinance. Service of the summons and a  
14 copy of the petition may be by any method provided by Section  
15 2-203 of the Code of Civil Procedure or by certified mail,  
16 return receipt requested, provided that the total amount of  
17 fines and penalties for final determinations of parking,  
18 standing, compliance, or automated traffic law violations does  
19 not exceed \$2500. If the court is satisfied that the final  
20 determination of parking, standing, compliance, or automated  
21 traffic law violation was entered in accordance with the  
22 requirements of this Section and the applicable municipal  
23 ordinance, and that the registered owner or the lessee, as the  
24 case may be, had an opportunity for an administrative hearing  
25 and for judicial review as provided in this Section, the court  
26 shall render judgment in favor of the municipality and against

1 the registered owner or the lessee for the amount indicated in  
2 the final determination of parking, standing, compliance, or  
3 automated traffic law violation, plus costs. The judgment shall  
4 have the same effect and may be enforced in the same manner as  
5 other judgments for the recovery of money.

6 (g) The fee for participating in a traffic education  
7 program under this Section shall not exceed \$25.

8 A low-income individual required to complete a traffic  
9 education program under this Section who provides proof of  
10 eligibility for the federal earned income tax credit under  
11 Section 32 of the Internal Revenue Code or the Illinois earned  
12 income tax credit under Section 212 of the Illinois Income Tax  
13 Act shall not be required to pay any fee for participating in a  
14 required traffic education program.

15 (Source: P.A. 95-331, eff. 8-21-07; 96-288, eff. 8-11-09;  
16 96-478, eff. 1-1-10; revised 9-4-09.)

17 (625 ILCS 5/11-605.2)

18 Sec. 11-605.2. Delegation of authority to set a special  
19 speed limit while traveling through highway construction or  
20 maintenance zones.

21 (a) A local agency may delegate to its superintendent of  
22 highways the authority to set and post a reduced speed limit  
23 for a construction or maintenance zone, as defined in Section  
24 11-605.1 ~~11-605~~, under subsection (c) ~~(b)~~ of that Section.

25 (b) If a superintendent of highways sets a reduced speed

1 limit for a construction or maintenance zone in accordance with  
2 this Section, the local agency must maintain a record that  
3 indicates:

4 (1) the location of the construction or maintenance  
5 zone;

6 (2) the reduced speed limit set and posted for the  
7 construction or maintenance zone; and

8 (3) the dates during which the reduced speed limit was  
9 in effect.

10 (Source: P.A. 93-947, eff. 8-19-04; revised 11-4-09.)

11 (625 ILCS 5/11-1301.2) (from Ch. 95 1/2, par. 11-1301.2)

12 Sec. 11-1301.2. Special decals for parking; persons a  
13 ~~person~~ with disabilities ~~parking~~.

14 (a) The Secretary of State shall provide for, by  
15 administrative rules, the design, size, color, and placement of  
16 a person with disabilities motorist decal or device and shall  
17 provide for, by administrative rules, the content and form of  
18 an application for a person with disabilities motorist decal or  
19 device, which shall be used by local authorities in the  
20 issuance thereof to a person with temporary disabilities,  
21 provided that the decal or device is valid for no more than 90  
22 days, subject to renewal for like periods based upon continued  
23 disability, and further provided that the decal or device  
24 clearly sets forth the date that the decal or device expires.  
25 The application shall include the requirement of an Illinois

1 Identification Card number or a State of Illinois driver's  
2 license number. This decal or device may be used by the  
3 authorized holder to designate and identify a vehicle not owned  
4 or displaying a registration plate as provided in Sections  
5 3-609 and 3-616 of this Act to designate when the vehicle is  
6 being used to transport said person or persons with  
7 disabilities, and thus is entitled to enjoy all the privileges  
8 that would be afforded a person with disabilities licensed  
9 vehicle. Person with disabilities decals or devices issued and  
10 displayed pursuant to this Section shall be recognized and  
11 honored by all local authorities regardless of which local  
12 authority issued such decal or device.

13 The decal or device shall be issued only upon a showing by  
14 adequate documentation that the person for whose benefit the  
15 decal or device is to be used has a temporary disability as  
16 defined in Section 1-159.1 of this Code.

17 (b) The local governing authorities shall be responsible  
18 for the provision of such decal or device, its issuance and  
19 designated placement within the vehicle. The cost of such decal  
20 or device shall be at the discretion of such local governing  
21 authority.

22 (c) The Secretary of State may, pursuant to Section  
23 3-616(c), issue a person with disabilities parking decal or  
24 device to a person with disabilities as defined by Section  
25 1-159.1. Any person with disabilities parking decal or device  
26 issued by the Secretary of State shall be registered to that

1 person with disabilities in the form to be prescribed by the  
2 Secretary of State. The person with disabilities parking decal  
3 or device shall not display that person's address. One  
4 additional decal or device may be issued to an applicant upon  
5 his or her written request and with the approval of the  
6 Secretary of State. The written request must include a  
7 justification of the need for the additional decal or device.

8 (d) Replacement decals or devices may be issued for lost,  
9 stolen, or destroyed decals upon application and payment of a  
10 \$10 fee. The replacement fee may be waived for individuals that  
11 have claimed and received a grant under the Senior Citizens and  
12 Disabled Persons Property Tax Relief and Pharmaceutical  
13 Assistance Act.

14 (Source: P.A. 95-167, eff. 1-1-08; 96-72, eff. 1-1-10; 96-79,  
15 eff. 1-1-10; revised 11-4-09.)

16 (625 ILCS 5/11-1301.3) (from Ch. 95 1/2, par. 11-1301.3)

17 Sec. 11-1301.3. Unauthorized use of parking places  
18 reserved for persons with disabilities.

19 (a) It shall be prohibited to park any motor vehicle which  
20 is not properly displaying registration plates or decals issued  
21 to a person with disabilities, as defined by Section 1-159.1,  
22 pursuant to Sections 3-616, 11-1301.1 or 11-1301.2, or to a  
23 disabled veteran pursuant to Section 3-609 of this Act, as  
24 evidence that the vehicle is operated by or for a person with  
25 disabilities or disabled veteran, in any parking place,

1 including any private or public offstreet parking facility,  
2 specifically reserved, by the posting of an official sign as  
3 designated under Section 11-301, for motor vehicles displaying  
4 such registration plates. It shall be prohibited to park any  
5 motor vehicle in a designated access aisle adjacent to any  
6 parking place specifically reserved for persons with  
7 disabilities, by the posting of an official sign as designated  
8 under Section 11-301, for motor vehicles displaying such  
9 registration plates. When using the parking privileges for  
10 persons with disabilities, the parking decal or device must be  
11 displayed properly in the vehicle where it is clearly visible  
12 to law enforcement personnel, either hanging from the rearview  
13 mirror or placed on the dashboard of the vehicle in clear view.  
14 Disability license plates and parking decals and devices are  
15 not transferable from person to person. Proper usage of the  
16 disability license plate or parking decal or device requires  
17 the authorized holder to be present and enter or exit the  
18 vehicle at the time the parking privileges are being used. It  
19 is a violation of this Section to park in a space reserved for  
20 a person with disabilities if the authorized holder of the  
21 disability license plate or parking decal or device does not  
22 enter or exit the vehicle at the time the parking privileges  
23 are being used. Any motor vehicle properly displaying a  
24 disability license plate or a parking decal or device  
25 containing the International symbol of access issued to persons  
26 with disabilities by any local authority, state, district,

1 territory or foreign country shall be recognized by State and  
2 local authorities as a valid license plate or device and  
3 receive the same parking privileges as residents of this State.

4 (a-1) An individual with a vehicle displaying disability  
5 license plates or a parking decal or device issued to a  
6 qualified person with a disability under Sections 3-616,  
7 11-1301.1, or 11-1301.2 or to a disabled veteran under Section  
8 3-609 is in violation of this Section if (i) the person using  
9 the disability license plate or parking decal or device is not  
10 the authorized holder of the disability license plate or  
11 parking decal or device or is not transporting the authorized  
12 holder of the disability license plate or parking decal or  
13 device to or from the parking location and (ii) the person uses  
14 the disability license plate or parking decal or device to  
15 exercise any privileges granted through the disability license  
16 plate or parking decals or devices under this Code.

17 (b) Any person or local authority owning or operating any  
18 public or private offstreet parking facility may, after  
19 notifying the police or sheriff's department, remove or cause  
20 to be removed to the nearest garage or other place of safety  
21 any vehicle parked within a stall or space reserved for use by  
22 a person with disabilities which does not display person with  
23 disabilities registration plates or a special decal or device  
24 as required under this Section.

25 (c) Any person found guilty of violating the provisions of  
26 subsection (a) shall be fined \$250 in addition to any costs or

1 charges connected with the removal or storage of any motor  
2 vehicle authorized under this Section; but municipalities by  
3 ordinance may impose a fine up to \$350 and shall display signs  
4 indicating the fine imposed. If the amount of the fine is  
5 subsequently changed, the municipality shall change the sign to  
6 indicate the current amount of the fine. It shall not be a  
7 defense to a charge under this Section that either the sign  
8 posted pursuant to this Section or the intended accessible  
9 parking place does not comply with the technical requirements  
10 of Section 11-301, Department regulations, or local ordinance  
11 if a reasonable person would be made aware by the sign or  
12 notice on or near the parking place that the place is reserved  
13 for a person with disabilities.

14 (c-1) Any person found guilty of violating the provisions  
15 of subsection (a-1) a first time shall be fined \$500. Any  
16 person found guilty of violating subsection (a-1) a second time  
17 shall be fined \$750, and the Secretary of State may revoke the  
18 person's driving privileges or suspend those privileges for a  
19 period of time to be determined by the Secretary. Any person  
20 found guilty of violating subsection (a-1) a third or  
21 subsequent time shall be fined \$1,000. The circuit clerk shall  
22 distribute 50% of the fine imposed on any person who is found  
23 guilty of or pleads guilty to violating this Section, including  
24 any person placed on court supervision for violating this  
25 Section, to the law enforcement agency that issued the citation  
26 or made the arrest. If more than one law enforcement agency is

1 responsible for issuing the citation or making the arrest, the  
2 50% of the fine imposed shall be shared equally. If an officer  
3 of the Secretary of State Department of Police arrested a  
4 person for a violation of this Section, 50% of the fine imposed  
5 shall be deposited into the Secretary of State Police Services  
6 Fund.

7 (d) Local authorities shall impose fines as established in  
8 subsections (c) and (c-1) for violations of this Section.

9 (e) As used in this Section, "authorized holder" means an  
10 individual issued a disability license plate under Section  
11 3-616 of this Code, an individual issued a parking decal or  
12 device under Section 11-1301.2 of this Code, or an individual  
13 issued a disabled veteran's license plate under Section 3-609  
14 of this Code.

15 (f) Any person who commits a violation of subsection (a-1)  
16 may have his or her driving privileges suspended or revoked by  
17 the Secretary of State for a period of time determined by the  
18 Secretary of State. The Secretary of State may also suspend or  
19 revoke the disability license plates or parking decal or device  
20 for a period of time determined by the Secretary of State.

21 (g) Any police officer may seize the parking decal or  
22 device from any person who commits a violation of this Section.  
23 Any police officer may seize the disability license plate upon  
24 authorization from the Secretary of State. Any police officer  
25 may request that the Secretary of State revoke the parking  
26 decal or device or the disability license plate of any person

1 who commits a violation of this Section.

2 (Source: P.A. 95-167, eff. 1-1-08; 95-430, eff. 6-1-08; 95-876,  
3 eff. 8-21-08; 96-72, eff. 1-1-10; 96-79, eff. 1-1-10; revised  
4 8-20-09.)

5 (625 ILCS 5/12-503) (from Ch. 95 1/2, par. 12-503)

6 Sec. 12-503. Windshields must be unobstructed and equipped  
7 with wipers.

8 (a) No person shall drive a motor vehicle with any sign,  
9 poster, window application, reflective material, nonreflective  
10 material or tinted film upon the front windshield, except that  
11 a nonreflective tinted film may be used along the uppermost  
12 portion of the windshield if such material does not extend more  
13 than 6 inches down from the top of the windshield.

14 (a-5) No window treatment or tinting shall be applied to  
15 the windows immediately adjacent to each side of the driver,  
16 except:

17 (1) on vehicles where none of the windows to the rear  
18 of the driver's seat are treated in a manner that allows  
19 less than 30% light transmittance, a nonreflective tinted  
20 film that allows at least 50% light transmittance, with a  
21 5% variance observed by any law enforcement official  
22 metering the light transmittance, may be used on the side  
23 windows immediately adjacent to each side of the driver.

24 (2) on vehicles where none of the windows to the rear  
25 of the driver's seat are treated in a manner that allows

1 less than 35% light transmittance, a nonreflective tinted  
2 film that allows at least 35% light transmittance, with a  
3 5% variance observed by any law enforcement official  
4 metering the light transmittance, may be used on the side  
5 windows immediately adjacent to each side of the driver.

6 (3) on multipurpose passenger vehicles, as defined by  
7 Section 1-148.3b of this Code, a nonreflective tinted film  
8 originally applied by the manufacturer, that allows at  
9 least 50% light transmittance, with a 5% variance observed  
10 by any law enforcement official metering the light  
11 transmittance, may be used on the side windows immediately  
12 adjacent to each side of the driver.

13 (a-10) ~~(a-5)~~ No person shall install or repair any material  
14 prohibited by subsection (a) of this Section.

15 (1) Nothing in this subsection shall prohibit a person  
16 from removing or altering any material prohibited by  
17 subsection (a) to make a motor vehicle comply with the  
18 requirements of this Section.

19 (2) Nothing in this subsection shall prohibit a person  
20 from installing window treatment for a person with a  
21 medical condition described in subsection (g) of this  
22 Section. An installer who installs window treatment for a  
23 person with a medical condition described in subsection (g)  
24 must obtain a copy of the certified statement or letter  
25 written by a physician described in subsection (g) from the  
26 person with the medical condition prior to installing the

1 window treatment. The copy of the certified statement or  
2 letter must be kept in the installer's permanent records.

3 (b) On motor vehicles where window treatment has not been  
4 applied to the windows immediately adjacent to each side of the  
5 driver, the use of a nonreflective, smoked or tinted glass,  
6 nonreflective film, perforated window screen or other  
7 decorative window application on windows to the rear of the  
8 driver's seat shall be allowed, except that any motor vehicle  
9 with a window to the rear of the driver's seat treated in this  
10 manner shall be equipped with a side mirror on each side of the  
11 motor vehicle which are in conformance with Section 12-502.

12 (c) No person shall drive a motor vehicle with any objects  
13 placed or suspended between the driver and the front  
14 windshield, rear window, side wings or side windows immediately  
15 adjacent to each side of the driver which materially obstructs  
16 the driver's view.

17 (d) Every motor vehicle, except motorcycles, shall be  
18 equipped with a device, controlled by the driver, for cleaning  
19 rain, snow, moisture or other obstructions from the windshield;  
20 and no person shall drive a motor vehicle with snow, ice,  
21 moisture or other material on any of the windows or mirrors,  
22 which materially obstructs the driver's clear view of the  
23 highway.

24 (e) No person shall drive a motor vehicle when the  
25 windshield, side or rear windows are in such defective  
26 condition or repair as to materially impair the driver's view

1 to the front, side or rear. A vehicle equipped with a side  
2 mirror on each side of the vehicle which are in conformance  
3 with Section 12-502 will be deemed to be in compliance in the  
4 event the rear window of the vehicle is materially obscured.

5 (f) Paragraphs (a), (a-5), and (b) of this Section shall  
6 not apply to:

7 (1) (Blank).

8 (2) ~~to~~ those motor vehicles properly registered in  
9 another jurisdiction.

10 (g) Paragraphs (a) and (a-5) of this Section shall not  
11 apply to window treatment, including but not limited to a  
12 window application, nonreflective material, or tinted film,  
13 applied or affixed to a motor vehicle for which distinctive  
14 license plates or license plate stickers have been issued  
15 pursuant to subsection (k) of Section 3-412 of this Code, and  
16 which:

17 (1) is owned and operated by a person afflicted with or  
18 suffering from a medical disease, including but not limited  
19 to systemic or discoid lupus erythematosus, disseminated  
20 superficial actinic porokeratosis, or albinism, which  
21 would require that person to be shielded from the direct  
22 rays of the sun; or

23 (2) is used in transporting a person when the person  
24 resides at the same address as the registered owner of the  
25 vehicle and the person is afflicted with or suffering from  
26 a medical disease which would require the person to be

1 shielded from the direct rays of the sun, including but not  
2 limited to systemic or discoid lupus erythematosus,  
3 disseminated superficial actinic porokeratosis, or  
4 albinism.

5 The owner must obtain a certified statement or letter  
6 written by a physician licensed to practice medicine in  
7 Illinois that such person owning and operating or being  
8 transported in a motor vehicle is afflicted with or suffers  
9 from such disease, including but not limited to systemic or  
10 discoid lupus erythematosus, disseminated superficial  
11 actinic porokeratosis, or albinism. However, no exemption  
12 from the requirements of subsection (a-5) shall be granted  
13 for any condition, such as light sensitivity, for which  
14 protection from the direct rays of the sun can be  
15 adequately obtained by the use of sunglasses or other eye  
16 protective devices.

17 Such certification must be carried in the motor vehicle  
18 at all times. The certification shall be legible and shall  
19 contain the date of issuance, the name, address and  
20 signature of the attending physician, and the name,  
21 address, and medical condition of the person requiring  
22 exemption. The information on the certificate for a window  
23 treatment must remain current and shall be renewed annually  
24 by the attending physician. The owner shall also submit a  
25 copy of the certification to the Secretary of State. The  
26 Secretary of State may forward notice of certification to

1 law enforcement agencies.

2 (g-5) (Blank).

3 (g-7) Installers shall only install window treatment  
4 authorized by subsection (g) on motor vehicles for which  
5 distinctive plates or license plate stickers have been issued  
6 pursuant to subsection (k) of Section 3-412 of this Code. The  
7 distinctive license plates or plate sticker must be on the  
8 motor vehicle at the time of window treatment installation.

9 (h) Paragraph (a) of this Section shall not apply to motor  
10 vehicle stickers or other certificates issued by State or local  
11 authorities which are required to be displayed upon motor  
12 vehicle windows to evidence compliance with requirements  
13 concerning motor vehicles.

14 (i) (Blank).

15 (j) A person found guilty of violating paragraphs (a),  
16 (a-5), (a-10), (b), or (g-7) of this Section shall be guilty of  
17 a petty offense and fined no less than \$50 nor more than \$500.  
18 A second or subsequent violation of paragraphs (a), (a-5),  
19 (a-10), (b), or (g-7) of this Section shall be treated as a  
20 Class C misdemeanor and the violator fined no less than \$100  
21 nor more than \$500. Any person convicted under paragraphs (a),  
22 (a-5), or (b) of this Section shall be ordered to alter any  
23 nonconforming windows into compliance with this Section.

24 (k) Nothing in this Section shall create a cause of action  
25 on behalf of a buyer against a vehicle dealer or manufacturer  
26 who sells a motor vehicle with a window which is in violation

1 of this Section.

2 (1) ~~(\*)~~ The Secretary of State shall provide a notice of  
3 the requirements of this Section to a new resident applying for  
4 vehicle registration in this State pursuant to Section 3-801 of  
5 this Code. The Secretary of State may comply with this  
6 subsection by posting the requirements of this Section on the  
7 Secretary of State's website.

8 (Source: P.A. 95-202, eff. 8-16-07; 96-530, eff. 1-1-10;  
9 96-815, eff. 10-30-09; revised 11-9-09.)

10 (625 ILCS 5/12-610.2)

11 Sec. 12-610.2. Electronic communication devices.

12 (a) As used in this Section:

13 "Electronic communication device" means an electronic  
14 device, including but not limited to a wireless telephone,  
15 personal digital assistant, or a portable or mobile computer  
16 while being used for the purpose of composing, reading, or  
17 sending an electronic message, but does not include a global  
18 positioning system or navigation system or a device that is  
19 physically or electronically integrated into the motor  
20 vehicle.

21 "Electronic message" means a self-contained piece of  
22 digital communication that is designed or intended to be  
23 transmitted between physical devices. "Electronic message"  
24 includes, but is not limited to electronic mail, a text  
25 message, an instant message, or a command or request to access

1 an Internet site.

2 (b) A person may not operate a motor vehicle on a roadway  
3 while using an electronic communication device to compose,  
4 send, or read an electronic message.

5 (c) A violation of this Section is an offense against  
6 traffic regulations governing the movement of vehicles.

7 (d) This Section does not apply to:

8 (1) a law enforcement officer or operator of an  
9 emergency vehicle while performing his or her official  
10 duties;

11 (2) a driver using an electronic communication device  
12 for the sole purpose of reporting an emergency situation  
13 and continued communication with emergency personnel  
14 during the emergency situation;

15 (3) a driver using an electronic communication device  
16 in hands-free or voice-activated mode; ~~or~~

17 (4) a driver of a commercial motor vehicle reading a  
18 message displayed on a permanently installed communication  
19 device designed for a commercial motor vehicle with a  
20 screen that does not exceed 10 inches tall by 10 inches  
21 wide in size;

22 (5) a driver using an electronic communication device  
23 while parked on the shoulder of a roadway; or

24 (6) a driver using an electronic communication device  
25 when the vehicle is stopped due to normal traffic being  
26 obstructed and the driver has the motor vehicle

1 transmission in neutral or park.

2 (Source: P.A. 96-130, eff. 1-1-10; revised 11-4-09.)

3 (625 ILCS 5/12-821)

4 (Text of Section before amendment by P.A. 96-410)

5 Sec. 12-821. Display of telephone number; complaint calls.

6 (a) Each school bus shall display at the rear of the bus a  
7 sign, with letters and numerals readily visible and readable,  
8 indicating the area code and telephone number of the owner of  
9 the school bus, regardless of whether the owner is a school  
10 district or another person or entity. The sign shall be in the  
11 following form:

12 "TO COMMENT ON MY DRIVING, CALL (area code and telephone  
13 number of school bus owner)".

14 A school bus owner who placed a sign conforming to the  
15 requirements of Public Act 95-176 on a school bus before  
16 January 1, 2010 (the effective date of Public Act 96-655) ~~this~~  
17 ~~amendatory Act of the 96th General Assembly~~ may continue to use  
18 that sign on that school bus rather than a sign that conforms  
19 to the requirements of Public Act 96-655 ~~this amendatory Act of~~  
20 ~~the 96th General Assembly~~; however, if the school bus owner  
21 replaces that sign, the replacement sign shall conform to the  
22 requirements of Public Act 96-655 ~~this amendatory Act of the~~  
23 ~~96th General Assembly~~.

24 (b) The owner of each school bus shall establish procedures  
25 for accepting the calls provided for under subsection (a) and

1 for taking complaints.

2 (c) The procedures established under subsection (b) shall  
3 include, but not be limited to:

4 (1) an internal investigation of the events that led to  
5 each complaint; and

6 (2) a report to the complaining party on the results of  
7 the investigation and the action taken, if any.

8 (Source: P.A. 95-176, eff. 1-1-08; 96-655, eff. 1-1-10.)

9 (Text of Section after amendment by P.A. 96-410)

10 Sec. 12-821. Display of telephone number; complaint calls.

11 (a) Each school bus and multifunction school-activity bus  
12 shall display at the rear of the bus a sign, with letters and  
13 numerals readily visible and readable, indicating the area code  
14 and telephone number of the owner of the bus, regardless of  
15 whether the owner is a school district or another person or  
16 entity. The sign shall be in the following form:

17 "TO COMMENT ON MY DRIVING, CALL (area code and telephone  
18 number of bus owner)".

19 A school bus owner who placed a sign conforming to the  
20 requirements of Public Act 95-176 on a school bus before  
21 January 1, 2010 (the effective date of Public Act 96-655) ~~this~~  
22 ~~amendatory Act of the 96th General Assembly~~ may continue to use  
23 that sign on that school bus rather than a sign that conforms  
24 to the requirements of Public Act 96-655 ~~this amendatory Act of~~  
25 ~~the 96th General Assembly~~; however, if the school bus owner

1 replaces that sign, the replacement sign shall conform to the  
2 requirements of Public Act 96-655 ~~this amendatory Act of the~~  
3 ~~96th General Assembly.~~

4 (b) The owner of each school bus or multifunction  
5 school-activity bus shall establish procedures for accepting  
6 the calls provided for under subsection (a) and for taking  
7 complaints.

8 (c) The procedures established under subsection (b) shall  
9 include, but not be limited to:

10 (1) an internal investigation of the events that led to  
11 each complaint; and

12 (2) a report to the complaining party on the results of  
13 the investigation and the action taken, if any.

14 (Source: P.A. 95-176, eff. 1-1-08; 96-410, eff. 7-1-10; 96-655,  
15 eff. 1-1-10; revised 9-25-09.)

16 (625 ILCS 5/15-102) (from Ch. 95 1/2, par. 15-102)

17 Sec. 15-102. Width of Vehicles.

18 (a) On Class III and non-designated State and local  
19 highways, the total outside width of any vehicle or load  
20 thereon shall not exceed 8 feet 6 inches.

21 (b) Except during those times when, due to insufficient  
22 light or unfavorable atmospheric conditions, persons and  
23 vehicles on the highway are not clearly discernible at a  
24 distance of 1000 feet, the following vehicles may exceed the 8  
25 feet 6 inch limitation during the period from a half hour

1 before sunrise to a half hour after sunset:

2 (1) Loads of hay, straw or other similar farm products  
3 provided that the load is not more than 12 feet wide.

4 (2) Implements of husbandry being transported on  
5 another vehicle and the transporting vehicle while loaded.

6 The following requirements apply to the transportation  
7 on another vehicle of an implement of husbandry wider than  
8 8 feet 6 inches on the National System of Interstate and  
9 Defense Highways or other highways in the system of State  
10 highways:

11 (A) The driver of a vehicle transporting an  
12 implement of husbandry that exceeds 8 feet 6 inches in  
13 width shall obey all traffic laws and shall check the  
14 roadways prior to making a movement in order to ensure  
15 that adequate clearance is available for the movement.  
16 It is prima facie evidence that the driver of a vehicle  
17 transporting an implement of husbandry has failed to  
18 check the roadway prior to making a movement if the  
19 vehicle is involved in a collision with a bridge,  
20 overpass, fixed structure, or properly placed traffic  
21 control device or if the vehicle blocks traffic due to  
22 its inability to proceed because of a bridge, overpass,  
23 fixed structure, or properly placed traffic control  
24 device.

25 (B) Flags shall be displayed so as to wave freely  
26 at the extremities of overwidth objects and at the

1 extreme ends of all protrusions, projections, and  
2 overhangs. All flags shall be clean, bright red flags  
3 with no advertising, wording, emblem, or insignia  
4 inscribed upon them and at least 18 inches square.

5 (C) "OVERSIZE LOAD" signs are mandatory on the  
6 front and rear of all vehicles with loads over 10 feet  
7 wide. These signs must have 12-inch high black letters  
8 with a 2-inch stroke on a yellow sign that is 7 feet  
9 wide by 18 inches high.

10 (D) One civilian escort vehicle is required for a  
11 load that exceeds 14 feet 6 inches in width and 2  
12 civilian escort vehicles are required for a load that  
13 exceeds 16 feet in width on the National System of  
14 Interstate and Defense Highways or other highways in  
15 the system of State highways.

16 (E) The requirements for a civilian escort vehicle  
17 and driver are as follows:

18 (1) The civilian escort vehicle shall be a  
19 passenger car or a second division vehicle not  
20 exceeding a gross vehicle weight of 8,000 pounds  
21 that is designed to afford clear and unobstructed  
22 vision to both front and rear.

23 (2) The escort vehicle driver must be properly  
24 licensed to operate the vehicle.

25 (3) While in use, the escort vehicle must be  
26 equipped with illuminated rotating, oscillating,

1 or flashing amber lights or flashing amber strobe  
2 lights mounted on top that are of sufficient  
3 intensity to be visible at 500 feet in normal  
4 sunlight.

5 (4) "OVERSIZE LOAD" signs are mandatory on all  
6 escort vehicles. The sign on an escort vehicle  
7 shall have 8-inch high black letters on a yellow  
8 sign that is 5 feet wide by 12 inches high.

9 (5) When only one escort vehicle is required  
10 and it is operating on a two-lane highway, the  
11 escort vehicle shall travel approximately 300 feet  
12 ahead of the load. The rotating, oscillating, or  
13 flashing lights or flashing amber strobe lights  
14 and an "OVERSIZE LOAD" sign shall be displayed on  
15 the escort vehicle and shall be visible from the  
16 front. When only one escort vehicle is required and  
17 it is operating on a multilane divided highway, the  
18 escort vehicle shall travel approximately 300 feet  
19 behind the load and the sign and lights shall be  
20 visible from the rear.

21 (6) When 2 escort vehicles are required, one  
22 escort shall travel approximately 300 feet ahead  
23 of the load and the second escort shall travel  
24 approximately 300 feet behind the load. The  
25 rotating, oscillating, or flashing lights or  
26 flashing amber strobe lights and an "OVERSIZE

1           LOAD" sign shall be displayed on the escort  
2           vehicles and shall be visible from the front on the  
3           lead escort and from the rear on the trailing  
4           escort.

5           (7) When traveling within the corporate limits  
6           of a municipality, the escort vehicle shall  
7           maintain a reasonable and proper distance from the  
8           oversize load, consistent with existing traffic  
9           conditions.

10          (8) A separate escort shall be provided for  
11          each load hauled.

12          (9) The driver of an escort vehicle shall obey  
13          all traffic laws.

14          (10) The escort vehicle must be in safe  
15          operational condition.

16          (11) The driver of the escort vehicle must be  
17          in radio contact with the driver of the vehicle  
18          carrying the oversize load.

19          (F) A transport vehicle while under load of more  
20          than 8 feet 6 inches in width must be equipped with an  
21          illuminated rotating, oscillating, or flashing amber  
22          light or lights or a flashing amber strobe light or  
23          lights mounted on the top of the cab that are of  
24          sufficient intensity to be visible at 500 feet in  
25          normal sunlight. If the load on the transport vehicle  
26          blocks the visibility of the amber lighting from the

1 rear of the vehicle, the vehicle must also be equipped  
2 with an illuminated rotating, oscillating, or flashing  
3 amber light or lights or a flashing amber strobe light  
4 or lights mounted on the rear of the load that are of  
5 sufficient intensity to be visible at 500 feet in  
6 normal sunlight.

7 (G) When a flashing amber light is required on the  
8 transport vehicle under load and it is operating on a  
9 two-lane highway, the transport vehicle shall display  
10 to the rear at least one rotating, oscillating, or  
11 flashing light or a flashing amber strobe light and an  
12 "OVERSIZE LOAD" sign. When a flashing amber light is  
13 required on the transport vehicle under load and it is  
14 operating on a multilane divided highway, the sign and  
15 light shall be visible from the rear.

16 (H) Maximum speed shall be 45 miles per hour on all  
17 such moves or 5 miles per hour above the posted minimum  
18 speed limit, whichever is greater, but the vehicle  
19 shall not at any time exceed the posted maximum speed  
20 limit.

21 (3) Portable buildings designed and used for  
22 agricultural and livestock raising operations that are not  
23 more than 14 feet wide and with not more than a 1 foot  
24 overhang along the left side of the hauling vehicle.  
25 However, the buildings shall not be transported more than  
26 10 miles and not on any route that is part of the National

1 System of Interstate and Defense Highways.

2 All buildings when being transported shall display at least  
3 2 red cloth flags, not less than 12 inches square, mounted as  
4 high as practicable on the left and right side of the building.

5 A State Police escort shall be required if it is necessary  
6 for this load to use part of the left lane when crossing any 2  
7 laned State highway bridge.

8 (c) Vehicles propelled by electric power obtained from  
9 overhead trolley wires operated wholly within the corporate  
10 limits of a municipality are also exempt from the width  
11 limitation.

12 (d) (Blank). ~~Exemptions are also granted to vehicles~~  
13 ~~designed for the carrying of more than 10 persons under the~~  
14 ~~following conditions:~~

15 ~~(1) (Blank);~~

16 ~~(2) (Blank); or~~

17 ~~(3) (Blank).~~

18 (d-1) A recreational vehicle, as defined in Section 1-169,  
19 may exceed 8 feet 6 inches in width if:

20 (1) the excess width is attributable to appurtenances  
21 that extend 6 inches or less beyond either side of the body  
22 of the vehicle; and

23 (2) the roadway on which the vehicle is traveling has  
24 marked lanes for vehicular traffic that are at least 11  
25 feet in width.

26 As used in this subsection (d-1) and in subsection (d-2),

1 the term appurtenance includes (i) a retracted awning and its  
2 support hardware and (ii) any appendage that is intended to be  
3 an integral part of a recreation vehicle.

4 (d-2) A recreational vehicle that exceeds 8 feet 6 inches  
5 in width as provided in subsection (d-1) may travel any roadway  
6 of the State if the vehicle is being operated between a roadway  
7 permitted under subsection (d-1) and:

8 (1) the location where the recreation vehicle is  
9 garaged;

10 (2) the destination of the recreation vehicle; or

11 (3) a facility for food, fuel, repair, services, or  
12 rest.

13 (e) A vehicle and load traveling upon the National System  
14 of Interstate and Defense Highways or any other highway in the  
15 system of State highways that has been designated as a Class I  
16 or Class II highway by the Department, or any street or highway  
17 designated by local authorities, may have a total outside width  
18 of 8 feet 6 inches, provided that certain safety devices that  
19 the Department determines as necessary for the safe and  
20 efficient operation of motor vehicles shall not be included in  
21 the calculation of width.

22 Section 5-35 of the Illinois Administrative Procedure Act  
23 relating to procedures for rulemaking shall not apply to the  
24 designation of highways under this paragraph (e).

25 (f) Mirrors required by Section 12-502 of this Code and  
26 other safety devices identified by the Department may project

1 up to 14 inches beyond each side of a bus and up to 6 inches  
2 beyond each side of any other vehicle, and that projection  
3 shall not be deemed a violation of the width restrictions of  
4 this Section.

5 (g) Any person who is convicted of violating this Section  
6 is subject to the penalty as provided in paragraph (b) of  
7 Section 15-113.

8 (Source: P.A. 96-34, eff. 1-1-10; 96-37, eff. 7-13-09; 96-220,  
9 eff. 1-1-10; revised 9-4-09.)

10 (625 ILCS 5/15-113) (from Ch. 95 1/2, par. 15-113)

11 Sec. 15-113. Violations; Penalties.

12 (a) Whenever any vehicle is operated in violation of the  
13 provisions of Section 15-111 or subsection (d) of Section  
14 3-401, the owner or driver of such vehicle shall be deemed  
15 guilty of such violation and either the owner or the driver of  
16 such vehicle may be prosecuted for such violation. Any person  
17 charged with a violation of any of these provisions who pleads  
18 not guilty shall be present in court for the trial on the  
19 charge. Any person, firm or corporation convicted of any  
20 violation of Section 15-111 including, but not limited to, a  
21 maximum axle or gross limit specified on a regulatory sign  
22 posted in accordance with paragraph (g) or (h) of Section  
23 15-111, shall be fined according to the following schedule:

24 Up to and including 2000 pounds overweight, the fine is - \$100

1 From 2001 through 2500 pounds overweight, = the fine is \$270

2 From 2501 through 3000 pounds overweight, = the fine is \$330

3 From 3001 through 3500 pounds overweight, = the fine is \$520

4 From 3501 through 4000 pounds overweight, = the fine is \$600

5 From 4001 through 4500 pounds overweight, = the fine is \$850

6 From 4501 through 5000 pounds overweight, = the fine is \$950

7 From 5001 or more pounds overweight, = the fine shall be  
8 computed by assessing \$1500 for the first 5000 pounds  
9 overweight and \$150 for each additional increment of 500 pounds  
10 overweight or fraction thereof.

11 In addition any person, firm or corporation convicted of 4  
12 or more violations of Section 15-111 within any 12 month period  
13 shall be fined an additional amount of \$5,000 for the fourth  
14 and each subsequent conviction within the 12 month period.  
15 Provided, however, that with regard to a firm or corporation, a  
16 fourth or subsequent conviction shall mean a fourth or  
17 subsequent conviction attributable to any one employee-driver.

18 (b) Whenever any vehicle is operated in violation of the

1 provisions of Sections 15-102, 15-103 or 15-107, the owner or  
2 driver of such vehicle shall be deemed guilty of such violation  
3 and either may be prosecuted for such violation. Any person,  
4 firm or corporation convicted of any violation of Sections  
5 15-102, 15-103 or 15-107 shall be fined for the first or second  
6 conviction an amount equal to not less than \$50 nor more than  
7 \$500, and for the third and subsequent convictions by the same  
8 person, firm or corporation within a period of one year after  
9 the date of the first offense, not less than \$500 nor more than  
10 \$1,000.

11 (c) All proceeds of the additional fines imposed by this  
12 amendatory Act of the 96th General Assembly shall be deposited  
13 into the Capital Projects Fund.

14 (Source: P.A. 96-34, eff. 1-1-10; revised 11-4-09.)

15 Section 580. The Snowmobile Registration and Safety Act is  
16 amended by changing Section 5-7 as follows:

17 (625 ILCS 40/5-7)

18 Sec. 5-7. Operating a snowmobile while under the influence  
19 of alcohol or other drug or drugs, intoxicating compound or  
20 compounds, or a combination of them; criminal penalties;  
21 suspension of operating privileges.

22 (a) A person may not operate or be in actual physical  
23 control of a snowmobile within this State while:

24 1. The alcohol concentration in that person's blood or

1 breath is a concentration at which driving a motor vehicle  
2 is prohibited under subdivision (1) of subsection (a) of  
3 Section 11-501 of the Illinois Vehicle Code;

4 2. The person is under the influence of alcohol;

5 3. The person is under the influence of any other drug  
6 or combination of drugs to a degree that renders that  
7 person incapable of safely operating a snowmobile;

8 3.1. The person is under the influence of any  
9 intoxicating compound or combination of intoxicating  
10 compounds to a degree that renders the person incapable of  
11 safely operating a snowmobile;

12 4. The person is under the combined influence of  
13 alcohol and any other drug or drugs or intoxicating  
14 compound or compounds to a degree that renders that person  
15 incapable of safely operating a snowmobile; or

16 5. There is any amount of a drug, substance, or  
17 compound in that person's breath, blood, or urine resulting  
18 from the unlawful use or consumption of cannabis listed in  
19 the Cannabis Control Act, controlled substance listed in  
20 the Illinois Controlled Substances Act, or intoxicating  
21 compound listed in the use of Intoxicating Compounds Act.

22 (b) The fact that a person charged with violating this  
23 Section is or has been legally entitled to use alcohol, other  
24 drug or drugs, any intoxicating compound or compounds, or any  
25 combination of them does not constitute a defense against a  
26 charge of violating this Section.

1 (c) Every person convicted of violating this Section or a  
2 similar provision of a local ordinance is guilty of a Class A  
3 misdemeanor, except as otherwise provided in this Section.

4 (c-1) As used in this Section, "first time offender" means  
5 any person who has not had a previous conviction or been  
6 assigned supervision for violating this Section or a similar  
7 provision of a local ordinance, or any person who has not had a  
8 suspension imposed under subsection (e) of Section 5-7.1.

9 (c-2) For purposes of this Section, the following are  
10 equivalent to a conviction:

11 (1) a forfeiture of bail or collateral deposited to  
12 secure a defendant's appearance in court when forfeiture  
13 has not been vacated; or

14 (2) the failure of a defendant to appear for trial.

15 (d) Every person convicted of violating this Section is  
16 guilty of a Class 4 felony if:

17 1. The person has a previous conviction under this  
18 Section;

19 2. The offense results in personal injury where a  
20 person other than the operator suffers great bodily harm or  
21 permanent disability or disfigurement, when the violation  
22 was a proximate cause of the injuries. A person guilty of a  
23 Class 4 felony under this paragraph 2, if sentenced to a  
24 term of imprisonment, shall be sentenced to not less than  
25 one year nor more than 12 years; or

26 3. The offense occurred during a period in which the

1 person's privileges to operate a snowmobile are revoked or  
2 suspended, and the revocation or suspension was for a  
3 violation of this Section or was imposed under Section  
4 5-7.1.

5 (e) Every person convicted of violating this Section is  
6 guilty of a Class 2 felony if the offense results in the death  
7 of a person. A person guilty of a Class 2 felony under this  
8 subsection (e), if sentenced to a term of imprisonment, shall  
9 be sentenced to a term of not less than 3 years and not more  
10 than 14 years.

11 (e-1) Every person convicted of violating this Section or a  
12 similar provision of a local ordinance who had a child under  
13 the age of 16 on board the snowmobile at the time of offense  
14 shall be subject to a mandatory minimum fine of \$500 and shall  
15 be subject to a mandatory minimum of 5 days of community  
16 service in a program benefiting children. The assignment under  
17 this subsection shall not be subject to suspension nor shall  
18 the person be eligible for probation in order to reduce the  
19 assignment.

20 (e-2) Every person found guilty of violating this Section,  
21 whose operation of a snowmobile while in violation of this  
22 Section proximately caused any incident resulting in an  
23 appropriate emergency response, shall be liable for the expense  
24 of an emergency response as provided in subsection (i) ~~(m)~~ of  
25 Section 11-501.01 ~~11-501~~ of the Illinois Vehicle Code.

26 (e-3) In addition to any other penalties and liabilities, a

1 person who is found guilty of violating this Section, including  
2 any person placed on court supervision, shall be fined \$100,  
3 payable to the circuit clerk, who shall distribute the money to  
4 the law enforcement agency that made the arrest. In the event  
5 that more than one agency is responsible for the arrest, the  
6 \$100 shall be shared equally. Any moneys received by a law  
7 enforcement agency under this subsection (e-3) shall be used to  
8 purchase law enforcement equipment or to provide law  
9 enforcement training that will assist in the prevention of  
10 alcohol related criminal violence throughout the State. Law  
11 enforcement equipment shall include, but is not limited to,  
12 in-car video cameras, radar and laser speed detection devices,  
13 and alcohol breath testers.

14 (f) In addition to any criminal penalties imposed, the  
15 Department of Natural Resources shall suspend the snowmobile  
16 operation privileges of a person convicted or found guilty of a  
17 misdemeanor under this Section for a period of one year, except  
18 that first-time offenders are exempt from this mandatory one  
19 year suspension.

20 (g) In addition to any criminal penalties imposed, the  
21 Department of Natural Resources shall suspend for a period of 5  
22 years the snowmobile operation privileges of any person  
23 convicted or found guilty of a felony under this Section.

24 (Source: P.A. 94-214, eff. 1-1-06; 95-149, eff. 8-14-07;  
25 revised 11-4-09.)

1 Section 585. The Clerks of Courts Act is amended by  
2 changing Section 27.5 as follows:

3 (705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

4 Sec. 27.5. (a) All fees, fines, costs, additional  
5 penalties, bail balances assessed or forfeited, and any other  
6 amount paid by a person to the circuit clerk that equals an  
7 amount less than \$55, except restitution under Section 5-5-6 of  
8 the Unified Code of Corrections, reimbursement for the costs of  
9 an emergency response as provided under Section 11-501 of the  
10 Illinois Vehicle Code, any fees collected for attending a  
11 traffic safety program under paragraph (c) of Supreme Court  
12 Rule 529, any fee collected on behalf of a State's Attorney  
13 under Section 4-2002 of the Counties Code or a sheriff under  
14 Section 4-5001 of the Counties Code, or any cost imposed under  
15 Section 124A-5 of the Code of Criminal Procedure of 1963, for  
16 convictions, orders of supervision, or any other disposition  
17 for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois  
18 Vehicle Code, or a similar provision of a local ordinance, and  
19 any violation of the Child Passenger Protection Act, or a  
20 similar provision of a local ordinance, and except as otherwise  
21 provided in this Section ~~in subsection (b)~~ shall be disbursed  
22 within 60 days after receipt by the circuit clerk as follows:  
23 47% shall be disbursed to the entity authorized by law to  
24 receive the fine imposed in the case; 12% shall be disbursed to  
25 the State Treasurer; and 41% shall be disbursed to the county's

1 general corporate fund. Of the 12% disbursed to the State  
2 Treasurer, 1/6 shall be deposited by the State Treasurer into  
3 the Violent Crime Victims Assistance Fund, 1/2 shall be  
4 deposited into the Traffic and Criminal Conviction Surcharge  
5 Fund, and 1/3 shall be deposited into the Drivers Education  
6 Fund. For fiscal years 1992 and 1993, amounts deposited into  
7 the Violent Crime Victims Assistance Fund, the Traffic and  
8 Criminal Conviction Surcharge Fund, or the Drivers Education  
9 Fund shall not exceed 110% of the amounts deposited into those  
10 funds in fiscal year 1991. Any amount that exceeds the 110%  
11 limit shall be distributed as follows: 50% shall be disbursed  
12 to the county's general corporate fund and 50% shall be  
13 disbursed to the entity authorized by law to receive the fine  
14 imposed in the case. Not later than March 1 of each year the  
15 circuit clerk shall submit a report of the amount of funds  
16 remitted to the State Treasurer under this Section during the  
17 preceding year based upon independent verification of fines and  
18 fees. All counties shall be subject to this Section, except  
19 that counties with a population under 2,000,000 may, by  
20 ordinance, elect not to be subject to this Section. For  
21 offenses subject to this Section, judges shall impose one total  
22 sum of money payable for violations. The circuit clerk may add  
23 on no additional amounts except for amounts that are required  
24 by Sections 27.3a and 27.3c of this Act, Section 16-104c of the  
25 Illinois Vehicle Code, and subsection (a) of Section 5-1101 of  
26 the Counties Code, unless those amounts are specifically waived

1 by the judge. With respect to money collected by the circuit  
2 clerk as a result of forfeiture of bail, ex parte judgment or  
3 guilty plea pursuant to Supreme Court Rule 529, the circuit  
4 clerk shall first deduct and pay amounts required by Sections  
5 27.3a and 27.3c of this Act. Unless a court ordered payment  
6 schedule is implemented or fee requirements are waived pursuant  
7 to a court order, the circuit clerk may add to any unpaid fees  
8 and costs a delinquency amount equal to 5% of the unpaid fees  
9 that remain unpaid after 30 days, 10% of the unpaid fees that  
10 remain unpaid after 60 days, and 15% of the unpaid fees that  
11 remain unpaid after 90 days. Notice to those parties may be  
12 made by signage posting or publication. The additional  
13 delinquency amounts collected under this Section shall be  
14 deposited in the Circuit Court Clerk Operation and  
15 Administrative Fund to be used to defray administrative costs  
16 incurred by the circuit clerk in performing the duties required  
17 to collect and disburse funds. This Section is a denial and  
18 limitation of home rule powers and functions under subsection  
19 (h) of Section 6 of Article VII of the Illinois Constitution.

20 (b) The following amounts must be remitted to the State  
21 Treasurer for deposit into the Illinois Animal Abuse Fund:

22 (1) 50% of the amounts collected for felony offenses  
23 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,  
24 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for  
25 Animals Act and Section 26-5 of the Criminal Code of 1961;

26 (2) 20% of the amounts collected for Class A and Class

1 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,  
2 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care  
3 for Animals Act and Section 26-5 of the Criminal Code of  
4 1961; and

5 (3) 50% of the amounts collected for Class C  
6 misdemeanors under Sections 4.01 and 7.1 of the Humane Care  
7 for Animals Act and Section 26-5 of the Criminal Code of  
8 1961.

9 (c) Any person who receives a disposition of court  
10 supervision for a violation of the Illinois Vehicle Code or a  
11 similar provision of a local ordinance shall, in addition to  
12 any other fines, fees, and court costs, pay an additional fee  
13 of \$29, to be disbursed as provided in Section 16-104c of the  
14 Illinois Vehicle Code. In addition to the fee of \$29, the  
15 person shall also pay a fee of \$6, if not waived by the court.  
16 If this \$6 fee is collected, \$5.50 of the fee shall be  
17 deposited into the Circuit Court Clerk Operation and  
18 Administrative Fund created by the Clerk of the Circuit Court  
19 and 50 cents of the fee shall be deposited into the Prisoner  
20 Review Board Vehicle and Equipment Fund in the State treasury.

21 (d) Any person convicted of, pleading guilty to, or placed  
22 on supervision for a serious traffic violation, as defined in  
23 Section 1-187.001 of the Illinois Vehicle Code, a violation of  
24 Section 11-501 of the Illinois Vehicle Code, or a violation of  
25 a similar provision of a local ordinance shall pay an  
26 additional fee of \$20, to be disbursed as provided in Section

1 16-104d of that Code.

2 This subsection ~~Subsection~~ (d) becomes inoperative 7 years  
3 after the effective date of Public Act 95-154.

4 (e) In all counties having a population of 3,000,000 or  
5 more inhabitants:7

6 (1) ~~(e-1)~~ A person who is found guilty of or pleads  
7 guilty to violating subsection (a) of Section 11-501 of the  
8 Illinois Vehicle Code, including any person placed on court  
9 supervision for violating subsection (a), shall be fined  
10 \$500 as provided for by subsection (f) of Section 11-501.01  
11 of the Illinois Vehicle Code, payable to the circuit clerk,  
12 who shall distribute the money pursuant to subsection (f)  
13 of Section 11-501.01 of the Illinois Vehicle Code.

14 (2) ~~(e-2)~~ When a crime laboratory DUI analysis fee of  
15 \$150, provided for by Section 5-9-1.9 of the Unified Code  
16 of Corrections is assessed, it shall be disbursed by the  
17 circuit clerk as provided by subsection (f) of Section  
18 5-9-1.9 of the Unified Code of Corrections.

19 (3) ~~(e-3)~~ When a fine for a violation of subsection (a)  
20 of Section 11-605 of the Illinois Vehicle Code is \$150 or  
21 greater, the additional \$50 which is charged as provided  
22 for by subsection (f) of Section 11-605 of the Illinois  
23 Vehicle Code shall be disbursed by the circuit clerk to a  
24 school district or districts for school safety purposes as  
25 provided by subsection (f) of Section 11-605.

26 (4) ~~(e-3.5)~~ When a fine for a violation of subsection

1 (a) of Section 11-1002.5 of the Illinois Vehicle Code is  
2 \$150 or greater, the additional \$50 which is charged as  
3 provided for by subsection (c) of Section 11-1002.5 of the  
4 Illinois Vehicle Code shall be disbursed by the circuit  
5 clerk to a school district or districts for school safety  
6 purposes as provided by subsection (c) of Section 11-1002.5  
7 of the Illinois Vehicle Code.

8 (5) ~~(e-4)~~ When a mandatory drug court fee of up to \$5  
9 is assessed as provided in subsection (f) of Section 5-1101  
10 of the Counties Code, it shall be disbursed by the circuit  
11 clerk as provided in subsection (f) of Section 5-1101 of  
12 the Counties Code.

13 (6) ~~(e-5)~~ When a mandatory teen court, peer jury, youth  
14 court, or other youth diversion program fee is assessed as  
15 provided in subsection (e) of Section 5-1101 of the  
16 Counties Code, it shall be disbursed by the circuit clerk  
17 as provided in subsection (e) of Section 5-1101 of the  
18 Counties Code.

19 (7) ~~(e-6)~~ When a Children's Advocacy Center fee is  
20 assessed pursuant to subsection (f-5) of Section 5-1101 of  
21 the Counties Code, it shall be disbursed by the circuit  
22 clerk as provided in subsection (f-5) of Section 5-1101 of  
23 the Counties Code.

24 (8) ~~(e-7)~~ When a victim impact panel fee is assessed  
25 pursuant to subsection (b) of Section 11-501.01 of the  
26 Illinois Vehicle Code, it shall be disbursed by the circuit

1 clerk to the victim impact panel to be attended by the  
2 defendant.

3 (9) ~~(e-8)~~ When a new fee collected in traffic cases is  
4 enacted after January 1, 2010 (the effective date of Public  
5 Act 96-735) ~~this amendatory Act of the 96th General~~  
6 ~~Assembly~~, it shall be excluded from the percentage  
7 disbursement provisions of this Section unless otherwise  
8 indicated by law.

9 (f) ~~(e)~~ Any person who receives a disposition of court  
10 supervision for a violation of Section 11-501 of the Illinois  
11 Vehicle Code shall, in addition to any other fines, fees, and  
12 court costs, pay an additional fee of \$50, which shall be  
13 collected by the circuit clerk and then remitted to the State  
14 Treasurer for deposit into the Roadside Memorial Fund, a  
15 special fund in the State treasury. However, the court may  
16 waive the fee if full restitution is complied with. Subject to  
17 appropriation, all moneys in the Roadside Memorial Fund shall  
18 be used by the Department of Transportation to pay fees imposed  
19 under subsection (f) of Section 20 of the Roadside Memorial  
20 Act. The fee shall be remitted by the circuit clerk within one  
21 month after receipt to the State Treasurer for deposit into the  
22 Roadside Memorial Fund.

23 (g) ~~(e)~~ For any conviction or disposition of court  
24 supervision for a violation of Section 11-1429 of the Illinois  
25 Vehicle Code, the circuit clerk shall distribute the fines paid  
26 by the person as specified by subsection (h) of Section 11-1429

1 of the Illinois Vehicle Code.

2 (Source: P.A. 95-154, eff. 10-13-07; 95-428, eff. 8-24-07;  
3 95-876, eff. 8-21-08; 96-286, eff. 8-11-09; 96-576, eff.  
4 8-18-09; 96-625, eff. 1-1-10; 96-667, eff. 8-25-09; 96-735,  
5 eff. 1-1-10; revised 12-28-09.)

6 Section 590. The Juvenile Court Act of 1987 is amended by  
7 changing Sections 2-23 and 5-710 as follows:

8 (705 ILCS 405/2-23) (from Ch. 37, par. 802-23)

9 Sec. 2-23. Kinds of dispositional orders.

10 (1) The following kinds of orders of disposition may be  
11 made in respect of wards of the court:

12 (a) A minor under 18 years of age found to be neglected  
13 or abused under Section 2-3 or dependent under Section 2-4  
14 may be (1) continued in the custody of his or her parents,  
15 guardian or legal custodian; (2) placed in accordance with  
16 Section 2-27; (3) restored to the custody of the parent,  
17 parents, guardian, or legal custodian, provided the court  
18 shall order the parent, parents, guardian, or legal  
19 custodian to cooperate with the Department of Children and  
20 Family Services and comply with the terms of an after-care  
21 plan or risk the loss of custody of the child and the  
22 possible termination of their parental rights; or (4)  
23 ordered partially or completely emancipated in accordance  
24 with the provisions of the Emancipation of Minors Act.

1           However, in any case in which a minor is found by the  
2 court to be neglected or abused under Section 2-3 of this  
3 Act, custody of the minor shall not be restored to any  
4 parent, guardian or legal custodian whose acts or omissions  
5 or both have been identified, pursuant to subsection (1) of  
6 Section 2-21, as forming the basis for the court's finding  
7 of abuse or neglect, until such time as a hearing is held  
8 on the issue of the best interests of the minor and the  
9 fitness of such parent, guardian or legal custodian to care  
10 for the minor without endangering the minor's health or  
11 safety, and the court enters an order that such parent,  
12 guardian or legal custodian is fit to care for the minor.

13           (b) A minor under 18 years of age found to be dependent  
14 under Section 2-4 may be (1) placed in accordance with  
15 Section 2-27 or (2) ordered partially or completely  
16 emancipated in accordance with the provisions of the  
17 Emancipation of Minors Act.

18           However, in any case in which a minor is found by the  
19 court to be dependent under Section 2-4 of this Act,  
20 custody of the minor shall not be restored to any parent,  
21 guardian or legal custodian whose acts or omissions or both  
22 have been identified, pursuant to subsection (1) of Section  
23 2-21, as forming the basis for the court's finding of  
24 dependency, until such time as a hearing is held on the  
25 issue of the fitness of such parent, guardian or legal  
26 custodian to care for the minor without endangering the

1 minor's health or safety, and the court enters an order  
2 that such parent, guardian or legal custodian is fit to  
3 care for the minor.

4 (b-1) A minor between the ages of 18 and 21 may be  
5 placed pursuant to Section 2-27 of this Act if (1) the  
6 court has granted a supplemental petition to reinstate  
7 wardship of the minor pursuant to subsection (2) of Section  
8 2-33, or (2) the court has adjudicated the minor a ward of  
9 the court, permitted the minor to return home under an  
10 order of protection, and subsequently made a finding that  
11 it is in the minor's best interest to vacate the order of  
12 protection and commit the minor to the Department of  
13 Children and Family Services for care and service.

14 (c) When the court awards guardianship to the  
15 Department of Children and Family Services, the court shall  
16 order the parents to cooperate with the Department of  
17 Children and Family Services, comply with the terms of the  
18 service plans, and correct the conditions that require the  
19 child to be in care, or risk termination of their parental  
20 rights.

21 (2) Any order of disposition may provide for protective  
22 supervision under Section 2-24 and may include an order of  
23 protection under Section 2-25.

24 Unless the order of disposition expressly so provides, it  
25 does not operate to close proceedings on the pending petition,  
26 but is subject to modification, not inconsistent with Section

1 2-28, until final closing and discharge of the proceedings  
2 under Section 2-31.

3 (3) The court also shall enter any other orders necessary  
4 to fulfill the service plan, including, but not limited to, (i)  
5 orders requiring parties to cooperate with services, (ii)  
6 restraining orders controlling the conduct of any party likely  
7 to frustrate the achievement of the goal, and (iii) visiting  
8 orders. Unless otherwise specifically authorized by law, the  
9 court is not empowered under this subsection (3) to order  
10 specific placements, specific services, or specific service  
11 providers to be included in the plan. If, after receiving  
12 evidence, the court determines that the services contained in  
13 the plan are not reasonably calculated to facilitate  
14 achievement of the permanency goal, the court shall put in  
15 writing the factual basis supporting the determination and  
16 enter specific findings based on the evidence. The court also  
17 shall enter an order for the Department to develop and  
18 implement a new service plan or to implement changes to the  
19 current service plan consistent with the court's findings. The  
20 new service plan shall be filed with the court and served on  
21 all parties within 45 days after the date of the order. The  
22 court shall continue the matter until the new service plan is  
23 filed. Unless otherwise specifically authorized by law, the  
24 court is not empowered under this subsection (3) or under  
25 subsection (2) to order specific placements, specific  
26 services, or specific service providers to be included in the

1 plan.

2 (4) In addition to any other order of disposition, the  
3 court may order any minor adjudicated neglected with respect to  
4 his or her own injurious behavior to make restitution, in  
5 monetary or non-monetary form, under the terms and conditions  
6 of Section 5-5-6 of the Unified Code of Corrections, except  
7 that the "presentence hearing" referred to therein shall be the  
8 dispositional hearing for purposes of this Section. The parent,  
9 guardian or legal custodian of the minor may pay some or all of  
10 such restitution on the minor's behalf.

11 (5) Any order for disposition where the minor is committed  
12 or placed in accordance with Section 2-27 shall provide for the  
13 parents or guardian of the estate of such minor to pay to the  
14 legal custodian or guardian of the person of the minor such  
15 sums as are determined by the custodian or guardian of the  
16 person of the minor as necessary for the minor's needs. Such  
17 payments may not exceed the maximum amounts provided for by  
18 Section 9.1 of the Children and Family Services Act.

19 (6) Whenever the order of disposition requires the minor to  
20 attend school or participate in a program of training, the  
21 truant officer or designated school official shall regularly  
22 report to the court if the minor is a chronic or habitual  
23 truant under Section 26-2a of the School Code.

24 (7) The court may terminate the parental rights of a parent  
25 at the initial dispositional hearing if all of the conditions  
26 in subsection (5) of Section 2-21 are met.

1 (Source: P.A. 95-331, eff. 8-21-07; 96-581, eff. 1-1-10;  
2 96-600, eff. 8-21-09; revised 9-15-09.)

3 (705 ILCS 405/5-710)

4 Sec. 5-710. Kinds of sentencing orders.

5 (1) The following kinds of sentencing orders may be made in  
6 respect of wards of the court:

7 (a) Except as provided in Sections 5-805, 5-810, 5-815,  
8 a minor who is found guilty under Section 5-620 may be:

9 (i) put on probation or conditional discharge and  
10 released to his or her parents, guardian or legal  
11 custodian, provided, however, that any such minor who  
12 is not committed to the Department of Juvenile Justice  
13 under this subsection and who is found to be a  
14 delinquent for an offense which is first degree murder,  
15 a Class X felony, or a forcible felony shall be placed  
16 on probation;

17 (ii) placed in accordance with Section 5-740, with  
18 or without also being put on probation or conditional  
19 discharge;

20 (iii) required to undergo a substance abuse  
21 assessment conducted by a licensed provider and  
22 participate in the indicated clinical level of care;

23 (iv) placed in the guardianship of the Department  
24 of Children and Family Services, but only if the  
25 delinquent minor is under 15 years of age or, pursuant

1 to Article II of this Act, a minor for whom an  
2 independent basis of abuse, neglect, or dependency  
3 exists. An independent basis exists when the  
4 allegations or adjudication of abuse, neglect, or  
5 dependency do not arise from the same facts, incident,  
6 or circumstances which give rise to a charge or  
7 adjudication of delinquency;

8 (v) placed in detention for a period not to exceed  
9 30 days, either as the exclusive order of disposition  
10 or, where appropriate, in conjunction with any other  
11 order of disposition issued under this paragraph,  
12 provided that any such detention shall be in a juvenile  
13 detention home and the minor so detained shall be 10  
14 years of age or older. However, the 30-day limitation  
15 may be extended by further order of the court for a  
16 minor under age 15 committed to the Department of  
17 Children and Family Services if the court finds that  
18 the minor is a danger to himself or others. The minor  
19 shall be given credit on the sentencing order of  
20 detention for time spent in detention under Sections  
21 5-501, 5-601, 5-710, or 5-720 of this Article as a  
22 result of the offense for which the sentencing order  
23 was imposed. The court may grant credit on a sentencing  
24 order of detention entered under a violation of  
25 probation or violation of conditional discharge under  
26 Section 5-720 of this Article for time spent in

1           detention before the filing of the petition alleging  
2           the violation. A minor shall not be deprived of credit  
3           for time spent in detention before the filing of a  
4           violation of probation or conditional discharge  
5           alleging the same or related act or acts;

6           (vi) ordered partially or completely emancipated  
7           in accordance with the provisions of the Emancipation  
8           of Minors Act;

9           (vii) subject to having his or her driver's license  
10          or driving privileges suspended for such time as  
11          determined by the court but only until he or she  
12          attains 18 years of age;

13          (viii) put on probation or conditional discharge  
14          and placed in detention under Section 3-6039 of the  
15          Counties Code for a period not to exceed the period of  
16          incarceration permitted by law for adults found guilty  
17          of the same offense or offenses for which the minor was  
18          adjudicated delinquent, and in any event no longer than  
19          upon attainment of age 21; this subdivision (viii)  
20          notwithstanding any contrary provision of the law;

21          (ix) ordered to undergo a medical or other  
22          procedure to have a tattoo symbolizing allegiance to a  
23          street gang removed from his or her body; or

24          (x) placed in electronic home detention under Part  
25          7A of this Article.

26          (b) A minor found to be guilty may be committed to the

1 Department of Juvenile Justice under Section 5-750 if the  
2 minor is 13 years of age or older, provided that the  
3 commitment to the Department of Juvenile Justice shall be  
4 made only if a term of incarceration is permitted by law  
5 for adults found guilty of the offense for which the minor  
6 was adjudicated delinquent. The time during which a minor  
7 is in custody before being released upon the request of a  
8 parent, guardian or legal custodian shall be considered as  
9 time spent in detention.

10 (c) When a minor is found to be guilty for an offense  
11 which is a violation of the Illinois Controlled Substances  
12 Act, the Cannabis Control Act, or the Methamphetamine  
13 Control and Community Protection Act and made a ward of the  
14 court, the court may enter a disposition order requiring  
15 the minor to undergo assessment, counseling or treatment in  
16 a substance abuse program approved by the Department of  
17 Human Services.

18 (2) Any sentencing order other than commitment to the  
19 Department of Juvenile Justice may provide for protective  
20 supervision under Section 5-725 and may include an order of  
21 protection under Section 5-730.

22 (3) Unless the sentencing order expressly so provides, it  
23 does not operate to close proceedings on the pending petition,  
24 but is subject to modification until final closing and  
25 discharge of the proceedings under Section 5-750.

26 (4) In addition to any other sentence, the court may order

1 any minor found to be delinquent to make restitution, in  
2 monetary or non-monetary form, under the terms and conditions  
3 of Section 5-5-6 of the Unified Code of Corrections, except  
4 that the "presentencing hearing" referred to in that Section  
5 shall be the sentencing hearing for purposes of this Section.  
6 The parent, guardian or legal custodian of the minor may be  
7 ordered by the court to pay some or all of the restitution on  
8 the minor's behalf, pursuant to the Parental Responsibility  
9 Law. The State's Attorney is authorized to act on behalf of any  
10 victim in seeking restitution in proceedings under this  
11 Section, up to the maximum amount allowed in Section 5 of the  
12 Parental Responsibility Law.

13 (5) Any sentencing order where the minor is committed or  
14 placed in accordance with Section 5-740 shall provide for the  
15 parents or guardian of the estate of the minor to pay to the  
16 legal custodian or guardian of the person of the minor such  
17 sums as are determined by the custodian or guardian of the  
18 person of the minor as necessary for the minor's needs. The  
19 payments may not exceed the maximum amounts provided for by  
20 Section 9.1 of the Children and Family Services Act.

21 (6) Whenever the sentencing order requires the minor to  
22 attend school or participate in a program of training, the  
23 truant officer or designated school official shall regularly  
24 report to the court if the minor is a chronic or habitual  
25 truant under Section 26-2a of the School Code. Notwithstanding  
26 any other provision of this Act, in instances in which

1 educational services are to be provided to a minor in a  
2 residential facility where the minor has been placed by the  
3 court, costs incurred in the provision of those educational  
4 services must be allocated based on the requirements of the  
5 School Code.

6 (7) In no event shall a guilty minor be committed to the  
7 Department of Juvenile Justice for a period of time in excess  
8 of that period for which an adult could be committed for the  
9 same act.

10 (8) A minor found to be guilty for reasons that include a  
11 violation of Section 21-1.3 of the Criminal Code of 1961 shall  
12 be ordered to perform community service for not less than 30  
13 and not more than 120 hours, if community service is available  
14 in the jurisdiction. The community service shall include, but  
15 need not be limited to, the cleanup and repair of the damage  
16 that was caused by the violation or similar damage to property  
17 located in the municipality or county in which the violation  
18 occurred. The order may be in addition to any other order  
19 authorized by this Section.

20 (8.5) A minor found to be guilty for reasons that include a  
21 violation of Section 3.02 or Section 3.03 of the Humane Care  
22 for Animals Act or paragraph (d) of subsection (1) of Section  
23 21-1 of the Criminal Code of 1961 shall be ordered to undergo  
24 medical or psychiatric treatment rendered by a psychiatrist or  
25 psychological treatment rendered by a clinical psychologist.  
26 The order may be in addition to any other order authorized by

1 this Section.

2 (9) In addition to any other sentencing order, the court  
3 shall order any minor found to be guilty for an act which would  
4 constitute, predatory criminal sexual assault of a child,  
5 aggravated criminal sexual assault, criminal sexual assault,  
6 aggravated criminal sexual abuse, or criminal sexual abuse if  
7 committed by an adult to undergo medical testing to determine  
8 whether the defendant has any sexually transmissible disease  
9 including a test for infection with human immunodeficiency  
10 virus (HIV) or any other identified causative agency of  
11 acquired immunodeficiency syndrome (AIDS). Any medical test  
12 shall be performed only by appropriately licensed medical  
13 practitioners and may include an analysis of any bodily fluids  
14 as well as an examination of the minor's person. Except as  
15 otherwise provided by law, the results of the test shall be  
16 kept strictly confidential by all medical personnel involved in  
17 the testing and must be personally delivered in a sealed  
18 envelope to the judge of the court in which the sentencing  
19 order was entered for the judge's inspection in camera. Acting  
20 in accordance with the best interests of the victim and the  
21 public, the judge shall have the discretion to determine to  
22 whom the results of the testing may be revealed. The court  
23 shall notify the minor of the results of the test for infection  
24 with the human immunodeficiency virus (HIV). The court shall  
25 also notify the victim if requested by the victim, and if the  
26 victim is under the age of 15 and if requested by the victim's

1 parents or legal guardian, the court shall notify the victim's  
2 parents or the legal guardian, of the results of the test for  
3 infection with the human immunodeficiency virus (HIV). The  
4 court shall provide information on the availability of HIV  
5 testing and counseling at the Department of Public Health  
6 facilities to all parties to whom the results of the testing  
7 are revealed. The court shall order that the cost of any test  
8 shall be paid by the county and may be taxed as costs against  
9 the minor.

10 (10) When a court finds a minor to be guilty the court  
11 shall, before entering a sentencing order under this Section,  
12 make a finding whether the offense committed either: (a) was  
13 related to or in furtherance of the criminal activities of an  
14 organized gang or was motivated by the minor's membership in or  
15 allegiance to an organized gang, or (b) involved a violation of  
16 subsection (a) of Section 12-7.1 of the Criminal Code of 1961,  
17 a violation of any Section of Article 24 of the Criminal Code  
18 of 1961, or a violation of any statute that involved the  
19 wrongful use of a firearm. If the court determines the question  
20 in the affirmative, and the court does not commit the minor to  
21 the Department of Juvenile Justice, the court shall order the  
22 minor to perform community service for not less than 30 hours  
23 nor more than 120 hours, provided that community service is  
24 available in the jurisdiction and is funded and approved by the  
25 county board of the county where the offense was committed. The  
26 community service shall include, but need not be limited to,

1 the cleanup and repair of any damage caused by a violation of  
2 Section 21-1.3 of the Criminal Code of 1961 and similar damage  
3 to property located in the municipality or county in which the  
4 violation occurred. When possible and reasonable, the  
5 community service shall be performed in the minor's  
6 neighborhood. This order shall be in addition to any other  
7 order authorized by this Section except for an order to place  
8 the minor in the custody of the Department of Juvenile Justice.  
9 For the purposes of this Section, "organized gang" has the  
10 meaning ascribed to it in Section 10 of the Illinois Streetgang  
11 Terrorism Omnibus Prevention Act.

12 (11) If the court determines that the offense was committed  
13 in furtherance of the criminal activities of an organized gang,  
14 as provided in subsection (10), and that the offense involved  
15 the operation or use of a motor vehicle or the use of a  
16 driver's license or permit, the court shall notify the  
17 Secretary of State of that determination and of the period for  
18 which the minor shall be denied driving privileges. If, at the  
19 time of the determination, the minor does not hold a driver's  
20 license or permit, the court shall provide that the minor shall  
21 not be issued a driver's license or permit until his or her  
22 18th birthday. If the minor holds a driver's license or permit  
23 at the time of the determination, the court shall provide that  
24 the minor's driver's license or permit shall be revoked until  
25 his or her 21st birthday, or until a later date or occurrence  
26 determined by the court. If the minor holds a driver's license

1 at the time of the determination, the court may direct the  
2 Secretary of State to issue the minor a judicial driving  
3 permit, also known as a JDP. The JDP shall be subject to the  
4 same terms as a JDP issued under Section 6-206.1 of the  
5 Illinois Vehicle Code, except that the court may direct that  
6 the JDP be effective immediately.

7 (12) If a minor is found to be guilty of a violation of  
8 subsection (a-7) of Section 1 of the Prevention of Tobacco Use  
9 by Minors Act, the court may, in its discretion, and upon  
10 recommendation by the State's Attorney, order that minor and  
11 his or her parents or legal guardian to attend a smoker's  
12 education or youth diversion program as defined in that Act if  
13 that program is available in the jurisdiction where the  
14 offender resides. Attendance at a smoker's education or youth  
15 diversion program shall be time-credited against any community  
16 service time imposed for any first violation of subsection  
17 (a-7) of Section 1 of that Act. In addition to any other  
18 penalty that the court may impose for a violation of subsection  
19 (a-7) of Section 1 of that Act, the court, upon request by the  
20 State's Attorney, may in its discretion require the offender to  
21 remit a fee for his or her attendance at a smoker's education  
22 or youth diversion program.

23 For purposes of this Section, "smoker's education program"  
24 or "youth diversion program" includes, but is not limited to, a  
25 seminar designed to educate a person on the physical and  
26 psychological effects of smoking tobacco products and the

1 health consequences of smoking tobacco products that can be  
2 conducted with a locality's youth diversion program.

3 In addition to any other penalty that the court may impose  
4 under this subsection (12):

5 (a) If a minor violates subsection (a-7) of Section 1  
6 of the Prevention of Tobacco Use by Minors Act, the court  
7 may impose a sentence of 15 hours of community service or a  
8 fine of \$25 for a first violation.

9 (b) A second violation by a minor of subsection (a-7)  
10 of Section 1 of that Act that occurs within 12 months after  
11 the first violation is punishable by a fine of \$50 and 25  
12 hours of community service.

13 (c) A third or subsequent violation by a minor of  
14 subsection (a-7) of Section 1 of that Act that occurs  
15 within 12 months after the first violation is punishable by  
16 a \$100 fine and 30 hours of community service.

17 (d) Any second or subsequent violation not within the  
18 12-month time period after the first violation is  
19 punishable as provided for a first violation.

20 (Source: P.A. 95-337, eff. 6-1-08; 95-642, eff. 6-1-08; 95-844,  
21 eff. 8-15-08; 95-876, eff. 8-21-08; 96-179, eff. 8-10-09;  
22 96-293, eff. 1-1-10; revised 9-15-09.)

23 Section 595. The Court of Claims Act is amended by changing  
24 Section 9.5 as follows:

1 (705 ILCS 505/9.5)

2 Sec. 9.5. Gold Star and Fallen Heroes Families Assistance  
3 Program.

4 (a) Within the Court of Claims, there is established a Gold  
5 Star and Fallen Heroes Families Assistance Program, which is  
6 charged with the responsibility of assessing the needs of and  
7 providing information to Illinois Gold Star and Fallen Heroes  
8 Families with regard to claims filed pursuant to the Line of  
9 Duty Compensation Act.

10 (b) As used in this Section, "Gold Star and Fallen Heroes  
11 Family" means the family members of an individual who was  
12 killed in the line of duty and who was employed or serving in a  
13 capacity defined in Section 2 of the Illinois Line of Duty  
14 Compensation Act.

15 (c) Toll-free helpline. The Gold Star and Fallen Heroes  
16 Families Assistance Program shall include a toll-free helpline  
17 dedicated to families seeking information about the Line of  
18 Duty Compensation Act, including, but not limited to, the  
19 status of claims filed pursuant to that Act. The helpline phone  
20 number and information about the Gold Star and Fallen Heroes  
21 Families Assistance Program shall be provided to each person  
22 filing a claim under the Line of Duty Compensation Act.

23 (d) On or before January 1 of each year, the Court of  
24 Claims shall report to the Governor, both houses of the General  
25 Assembly, and the Illinois Department of Veterans' Affairs the  
26 following information:

1 (1) the number of claims filed with the Court of Claims  
2 pursuant to the Line of Duty Compensation Act ~~("LODCA")~~;

3 (2) the number of Line of Duty Compensation Act ~~LODCA~~  
4 claims approved for payment by the Court of Claims during  
5 the preceding calendar year;

6 (3) the number and status of Line of Duty Compensation  
7 Act ~~LODCA~~ claims pending in the Court of Claims; and

8 (4) other information as may be requested by the  
9 Governor.

10 (Source: P.A. 96-539, eff. 1-1-10; 96-541, eff. 1-1-10; revised  
11 9-25-09.)

12 Section 600. The Criminal Code of 1961 is amended by  
13 changing Sections 9-1.2, 10-5, 10-5.5, 10-9, 11-9.4, 11-20.1,  
14 11-20.3, 12-2, 12-3.3, 12-4, 12-7.5, 14-3, 16-1, 16D-2, 16D-3,  
15 17-24, 17-26, 24-1, 24-2, 25-5, 26-1, 26-5, 29B-1, 29D-25, and  
16 36-1 as follows:

17 (720 ILCS 5/9-1.2) (from Ch. 38, par. 9-1.2)

18 Sec. 9-1.2. Intentional Homicide of an Unborn Child.

19 (a) A person commits the offense of intentional homicide of  
20 an unborn child if, in performing acts which cause the death of  
21 an unborn child, he without lawful justification:

22 (1) either intended to cause the death of or do great  
23 bodily harm to the pregnant woman or her unborn child or  
24 knew that such acts would cause death or great bodily harm

1 to the pregnant woman or her unborn child; or

2 (2) ~~he~~ knew that his acts created a strong probability  
3 of death or great bodily harm to the pregnant woman or her  
4 unborn child; and

5 (3) ~~he~~ knew that the woman was pregnant.

6 (b) For purposes of this Section, (1) "unborn child" shall  
7 mean any individual of the human species from fertilization  
8 until birth, and (2) "person" shall not include the pregnant  
9 woman whose unborn child is killed.

10 (c) This Section shall not apply to acts which cause the  
11 death of an unborn child if those acts were committed during  
12 any abortion, as defined in Section 2 of the Illinois Abortion  
13 Law of 1975, as amended, to which the pregnant woman has  
14 consented. This Section shall not apply to acts which were  
15 committed pursuant to usual and customary standards of medical  
16 practice during diagnostic testing or therapeutic treatment.

17 (d) Penalty. The sentence for intentional homicide of an  
18 unborn child shall be the same as for first degree murder,  
19 except that:

20 (1) the death penalty may not be imposed;

21 (2) if the person committed the offense while armed  
22 with a firearm, 15 years shall be added to the term of  
23 imprisonment imposed by the court;

24 (3) if, during the commission of the offense, the  
25 person personally discharged a firearm, 20 years shall be  
26 added to the term of imprisonment imposed by the court;

1           (4) if, during the commission of the offense, the  
2           person personally discharged a firearm that proximately  
3           caused great bodily harm, permanent disability, permanent  
4           disfigurement, or death to another person, 25 years or up  
5           to a term of natural life shall be added to the term of  
6           imprisonment imposed by the court.

7           (e) The provisions of this Act shall not be construed to  
8           prohibit the prosecution of any person under any other  
9           provision of law.

10          (Source: P.A. 91-404, eff. 1-1-00; revised 11-4-09.)

11          (720 ILCS 5/10-5) (from Ch. 38, par. 10-5)

12          Sec. 10-5. Child abduction.

13          (a) For purposes of this Section, the following terms have  
14          the following meanings:

15                 (1) "Child" means a person who, at the time the alleged  
16                 violation occurred, was under the age of 18 or severely or  
17                 profoundly mentally retarded.

18                 (2) "Detains" means taking or retaining physical  
19                 custody of a child, whether or not the child resists or  
20                 objects.

21                 (3) "Lawful custodian" means a person or persons  
22                 granted legal custody of a child or entitled to physical  
23                 possession of a child pursuant to a court order. It is  
24                 presumed that, when the parties have never been married to  
25                 each other, the mother has legal custody of the child

1 unless a valid court order states otherwise. If an  
2 adjudication of paternity has been completed and the father  
3 has been assigned support obligations or visitation  
4 rights, such a paternity order should, for the purposes of  
5 this Section, be considered a valid court order granting  
6 custody to the mother.

7 (4) "Putative father" means a man who has a reasonable  
8 belief that he is the father of a child born of a woman who  
9 is not his wife.

10 (b) A person commits the offense of child abduction when he  
11 or she does any one of the following:

12 (1) Intentionally violates any terms of a valid court  
13 order granting sole or joint custody, care, or possession  
14 to another by concealing or detaining the child or removing  
15 the child from the jurisdiction of the court.

16 (2) Intentionally violates a court order prohibiting  
17 the person from concealing or detaining the child or  
18 removing the child from the jurisdiction of the court.

19 (3) Intentionally conceals, detains, or removes the  
20 child without the consent of the mother or lawful custodian  
21 of the child if the person is a putative father and either:

22 (A) the paternity of the child has not been legally  
23 established or (B) the paternity of the child has been  
24 legally established but no orders relating to custody have  
25 been entered. Notwithstanding the presumption created by  
26 paragraph (3) of subsection (a), however, a mother commits

1 child abduction when she intentionally conceals or removes  
2 a child, whom she has abandoned or relinquished custody of,  
3 from an unadjudicated father who has provided sole ongoing  
4 care and custody of the child in her absence.

5 (4) Intentionally conceals or removes the child from a  
6 parent after filing a petition or being served with process  
7 in an action affecting marriage or paternity but prior to  
8 the issuance of a temporary or final order determining  
9 custody.

10 (5) At the expiration of visitation rights outside the  
11 State, intentionally fails or refuses to return or impedes  
12 the return of the child to the lawful custodian in  
13 Illinois.

14 (6) Being a parent of the child, and if the parents of  
15 that child are or have been married and there has been no  
16 court order of custody, knowingly conceals the child for 15  
17 days, and fails to make reasonable attempts within the  
18 15-day period to notify the other parent as to the specific  
19 whereabouts of the child, including a means by which to  
20 contact the child, or to arrange reasonable visitation or  
21 contact with the child. It is not a violation of this  
22 Section for a person fleeing domestic violence to take the  
23 child with him or her to housing provided by a domestic  
24 violence program.

25 (7) Being a parent of the child, and if the parents of  
26 the child are or have been married and there has been no

1 court order of custody, knowingly conceals, detains, or  
2 removes the child with physical force or threat of physical  
3 force.

4 (8) Knowingly conceals, detains, or removes the child  
5 for payment or promise of payment at the instruction of a  
6 person who has no legal right to custody.

7 (9) Knowingly retains in this State for 30 days a child  
8 removed from another state without the consent of the  
9 lawful custodian or in violation of a valid court order of  
10 custody.

11 (10) Intentionally lures or attempts to lure a child  
12 under the age of 16 into a motor vehicle, building,  
13 housetrailer, or dwelling place without the consent of the  
14 child's parent or lawful custodian for other than a lawful  
15 purpose. For the purposes of this item (10), the luring or  
16 attempted luring of a child under the age of 16 into a  
17 motor vehicle, building, housetrailer, or dwelling place  
18 without the consent of the child's parent or lawful  
19 custodian is prima facie evidence of other than a lawful  
20 purpose.

21 (11) With the intent to obstruct or prevent efforts to  
22 locate the child victim of a child abduction, knowingly  
23 destroys, alters, conceals, or disguises physical evidence  
24 or furnishes false information.

25 (c) It is an affirmative defense to subsections (b) (1)  
26 through (b) (10) of this Section that:

1           (1) the person had custody of the child pursuant to a  
2 court order granting legal custody or visitation rights  
3 that existed at the time of the alleged violation;

4           (2) the person had physical custody of the child  
5 pursuant to a court order granting legal custody or  
6 visitation rights and failed to return the child as a  
7 result of circumstances beyond his or her control, and the  
8 person notified and disclosed to the other parent or legal  
9 custodian the specific whereabouts of the child and a means  
10 by which the child could be contacted or made a reasonable  
11 attempt to notify the other parent or lawful custodian of  
12 the child of those circumstances and made the disclosure  
13 within 24 hours after the visitation period had expired and  
14 returned the child as soon as possible;

15           (3) the person was fleeing an incidence or pattern of  
16 domestic violence; or

17           (4) the person lured or attempted to lure a child under  
18 the age of 16 into a motor vehicle, building, housetrailer,  
19 or dwelling place for a lawful purpose in prosecutions  
20 under paragraph (10) of subsection (b).

21           (d) A person convicted of child abduction under this  
22 Section is guilty of a Class 4 felony. A person convicted of a  
23 second or subsequent violation of paragraph (10) of subsection  
24 (b) of this Section is guilty of a Class 3 felony. It is a  
25 factor in aggravation under subsections (b)(1) through (b)(10)  
26 of this Section for which a court may impose a more severe

1 sentence under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5  
2 of Chapter V of the Unified Code of Corrections if, upon  
3 sentencing, the court finds evidence of any of the following  
4 aggravating factors:

5 (1) that the defendant abused or neglected the child  
6 following the concealment, detention, or removal of the  
7 child;

8 (2) that the defendant inflicted or threatened to  
9 inflict physical harm on a parent or lawful custodian of  
10 the child or on the child with intent to cause that parent  
11 or lawful custodian to discontinue criminal prosecution of  
12 the defendant under this Section;

13 (3) that the defendant demanded payment in exchange for  
14 return of the child or demanded that he or she be relieved  
15 of the financial or legal obligation to support the child  
16 in exchange for return of the child;

17 (4) that the defendant has previously been convicted of  
18 child abduction;

19 (5) that the defendant committed the abduction while  
20 armed with a deadly weapon or the taking of the child  
21 resulted in serious bodily injury to another; or

22 (6) that the defendant committed the abduction while in  
23 a school, regardless of the time of day or time of year; in  
24 a playground; on any conveyance owned, leased, or  
25 contracted by a school to transport students to or from  
26 school or a school related activity; on the real property

1 of a school; or on a public way within 1,000 feet of the  
2 real property comprising any school or playground. For  
3 purposes of this paragraph (6), "playground" means a piece  
4 of land owned or controlled by a unit of local government  
5 that is designated by the unit of local government for use  
6 solely or primarily for children's recreation; and  
7 "school" means a public or private elementary or secondary  
8 school, community college, college, or university.

9 (e) The court may order the child to be returned to the  
10 parent or lawful custodian from whom the child was concealed,  
11 detained, or removed. In addition to any sentence imposed, the  
12 court may assess any reasonable expense incurred in searching  
13 for or returning the child against any person convicted of  
14 violating this Section.

15 (f) Nothing contained in this Section shall be construed to  
16 limit the court's contempt power.

17 (g) Every law enforcement officer investigating an alleged  
18 incident of child abduction shall make a written police report  
19 of any bona fide allegation and the disposition of that  
20 investigation. Every police report completed pursuant to this  
21 Section shall be compiled and recorded within the meaning of  
22 Section 5.1 of the Criminal Identification Act.

23 (h) Whenever a law enforcement officer has reasons to  
24 believe a child abduction has occurred, she or he shall provide  
25 the lawful custodian a summary of her or his rights under this  
26 Code, including the procedures and relief available to her or

1 him.

2 (i) If during the course of an investigation under this  
3 Section the child is found in the physical custody of the  
4 defendant or another, the law enforcement officer shall return  
5 the child to the parent or lawful custodian from whom the child  
6 was concealed, detained, or removed, unless there is good cause  
7 for the law enforcement officer or the Department of Children  
8 and Family Services to retain temporary protective custody of  
9 the child pursuant to the Abused and Neglected Child Reporting  
10 Act.

11 (Source: P.A. 95-1052, eff. 7-1-09; 96-710, eff. 1-1-10;  
12 revised 10-6-09.)

13 (720 ILCS 5/10-5.5)

14 Sec. 10-5.5. Unlawful visitation or parenting time  
15 interference.

16 (a) As used in this Section, the terms "child", "detain",  
17 and "lawful custodian" have the meanings ascribed to them in  
18 Section 10-5 of this Code.

19 (b) Every person who, in violation of the visitation,  
20 parenting time, or custody time provisions of a court order  
21 relating to child custody, detains or conceals a child with the  
22 intent to deprive another person of his or her rights to  
23 visitation, parenting time, or custody time commits the offense  
24 of unlawful visitation or parenting time interference.

25 (c) A person committing unlawful visitation or parenting

1 time interference is guilty of a petty offense. Any person  
2 violating this Section after 2 prior convictions of unlawful  
3 visitation interference or unlawful visitation or parenting  
4 time interference, however, is guilty of a Class A misdemeanor.

5 (d) Any law enforcement officer who has probable cause to  
6 believe that a person has committed or is committing an act in  
7 violation of this Section shall issue to that person a notice  
8 to appear.

9 (e) The notice shall:

10 (1) be in writing;

11 (2) state the name of the person and his or her  
12 address, if known;

13 (3) set forth the nature of the offense;

14 (4) be signed by the officer issuing the notice; and

15 (5) request the person to appear before a court at a  
16 certain time and place.

17 (f) Upon failure of the person to appear, a summons or  
18 warrant of arrest may be issued.

19 (g) It is an affirmative defense that:

20 (1) a person or lawful custodian committed the act to  
21 protect the child from imminent physical harm, provided  
22 that the defendant's belief that there was physical harm  
23 imminent was reasonable and that the defendant's conduct in  
24 withholding visitation rights, parenting time, or custody  
25 time was a reasonable response to the harm believed  
26 imminent;

1           (2) the act was committed with the mutual consent of  
2           all parties having a right to custody and visitation of the  
3           child or parenting time with the child; or

4           (3) the act was otherwise authorized by law. ~~or~~  
5           ~~parenting time, parenting time, or custody time~~

6           (Source: P.A. 96-333, eff. 8-11-09; 96-675, eff. 8-25-09;  
7           96-710, eff. 1-1-10; revised 10-6-09.)

8           (720 ILCS 5/10-9)

9           Sec. 10-9. Trafficking in persons, involuntary servitude,  
10          and related offenses.

11          (a) Definitions. In this Section:

12           (1) "Intimidation" has the meaning prescribed in  
13           Section 12-6.

14           (2) "Commercial sexual activity" means any sex act on  
15           account of which anything of value is given, promised to,  
16           or received by any person.

17           (3) "Financial harm" includes intimidation that brings  
18           about financial loss, criminal usury, or employment  
19           contracts that violate the Frauds Act.

20           (4) "Forced labor or services" means labor or services  
21           that are performed or provided by another person and are  
22           obtained or maintained through:

23           (A) any scheme, plan, or pattern intending to cause  
24           or threatening to cause serious harm to any person;

25           (B) an actor's physically restraining or

1 threatening to physically restrain another person;

2 (C) an actor's abusing or threatening to abuse the  
3 law or legal process;

4 (D) an actor's knowingly destroying, concealing,  
5 removing, confiscating, or possessing any actual or  
6 purported passport or other immigration document, or  
7 any other actual or purported government  
8 identification document, of another person;

9 (E) an actor's blackmail; or

10 (F) an actor's causing or threatening to cause  
11 financial harm to or exerting financial control over  
12 any person.

13 (5) "Labor" means work of economic or financial value.

14 (6) "Maintain" means, in relation to labor or services,  
15 to secure continued performance thereof, regardless of any  
16 initial agreement on the part of the victim to perform that  
17 type of service.

18 (7) "Obtain" means, in relation to labor or services,  
19 to secure performance thereof.

20 (8) "Services" means activities resulting from a  
21 relationship between a person and the actor in which the  
22 person performs activities under the supervision of or for  
23 the benefit of the actor. Commercial sexual activity and  
24 sexually-explicit performances are forms of activities  
25 that are "services" under this Section. Nothing in this  
26 definition may be construed to legitimize or legalize

1 prostitution.

2 (9) "Sexually-explicit performance" means a live,  
3 recorded, broadcast (including over the Internet), or  
4 public act or show intended to arouse or satisfy the sexual  
5 desires or appeal to the prurient interests of patrons.

6 (10) "Trafficking victim" means a person subjected to  
7 the practices set forth in subsection (b), (c), or (d).

8 (b) Involuntary servitude. A person commits the offense of  
9 involuntary servitude when he or she knowingly subjects,  
10 attempts to subject, or engages in a conspiracy to subject  
11 another person to forced labor or services and:

12 (1) causes or threatens to cause physical harm to any  
13 person;

14 (2) physically restrains or threatens to physically  
15 restrain another person;

16 (3) abuses or threatens to abuse the law or legal  
17 process;

18 (4) knowingly destroys, conceals, removes,  
19 confiscates, or possesses any actual or purported passport  
20 or other immigration document, or any other actual or  
21 purported government identification document, of another  
22 person; or

23 (5) uses intimidation, or uses or threatens to cause  
24 financial harm to or exerts financial control over any  
25 person.

26 Sentence. Except as otherwise provided in subsection (e) or

1 (f), a violation of subsection (b)(1) is a Class X felony,  
2 (b)(2) is a Class 1 felony, (b)(3) is a Class 2 felony, (b)(4)  
3 is a Class 3 felony, and (b)(5) is a Class 4 felony.

4 (c) Involuntary sexual servitude of a minor. A person  
5 commits the offense of involuntary sexual servitude of a minor  
6 when he or she knowingly recruits, entices, harbors,  
7 transports, provides, or obtains by any means, or attempts to  
8 recruit, entice, harbor, provide, or obtain by any means,  
9 another person under 18 years of age, knowing that the minor  
10 will engage in commercial sexual activity, a sexually-explicit  
11 performance, or the production of pornography, or causes or  
12 attempts to cause a minor to engage in one or more of those  
13 activities and:

14 (1) there is no overt force or threat and the minor is  
15 between the ages of 17 and 18 years;

16 (2) there is no overt force or threat and the minor is  
17 under the age of 17 years; or

18 (3) there is overt force or threat.

19 Sentence. Except as otherwise provided in subsection (e) or  
20 (f), a violation of subsection (c)(1) is a Class 1 felony,  
21 (c)(2) is a Class X felony, and (c)(3) is a Class X felony.

22 (d) Trafficking in persons for forced labor or services. A  
23 person commits the offense of trafficking in persons for forced  
24 labor or services when he or she knowingly: (1) recruits,  
25 entices, harbors, transports, provides, or obtains by any  
26 means, or attempts to recruit, entice, harbor, transport,

1 provide, or obtain by any means, another person, intending or  
2 knowing that the person will be subjected to forced labor or  
3 services; or (2) benefits, financially or by receiving anything  
4 of value, from participation in a venture that has engaged in  
5 an act of involuntary servitude or involuntary sexual servitude  
6 of a minor.

7 Sentence. Except as otherwise provided in subsection (e) or  
8 (f), a violation of this subsection is a Class 1 felony.

9 (e) Aggravating factors. A violation of this Section  
10 involving kidnapping or an attempt to kidnap, aggravated  
11 criminal sexual assault or an attempt to commit aggravated  
12 criminal sexual assault, or an attempt to commit first degree  
13 murder is a Class X felony.

14 (f) Sentencing considerations.

15 (1) Bodily injury. If, pursuant to a violation of this  
16 Section, a victim suffered bodily injury, the defendant may  
17 be sentenced to an extended-term sentence under Section  
18 5-8-2 of the Unified Code of Corrections. The sentencing  
19 court must take into account the time in which the victim  
20 was held in servitude, with increased penalties for cases  
21 in which the victim was held for between 180 days and one  
22 year, and increased penalties for cases in which the victim  
23 was held for more than one year.

24 (2) Number of victims. In determining sentences within  
25 statutory maximums, the sentencing court should take into  
26 account the number of victims, and may provide for

1 substantially increased sentences in cases involving more  
2 than 10 victims.

3 (g) Restitution. Restitution is mandatory under this  
4 Section. In addition to any other amount of loss identified,  
5 the court shall order restitution including the greater of (1)  
6 the gross income or value to the defendant of the victim's  
7 labor or services or (2) the value of the victim's labor as  
8 guaranteed under the Minimum Wage Law and overtime provisions  
9 of the Fair Labor Standards Act (FLSA) or the Minimum Wage Law,  
10 whichever is greater.

11 (h) Trafficking victim services. Subject to the  
12 availability of funds, the Department of Human Services may  
13 provide or fund emergency services and assistance to  
14 individuals who are victims of one or more offenses defined in  
15 this Section.

16 (i) Certification. The Attorney General, a State's  
17 Attorney, or any law enforcement official shall certify in  
18 writing to the United States Department of Justice or other  
19 federal agency, such as the United States Department of  
20 Homeland Security, that an investigation or prosecution under  
21 this Section has begun and the individual who is a likely  
22 victim of a crime described in this Section is willing to  
23 cooperate or is cooperating with the investigation to enable  
24 the individual, if eligible under federal law, to qualify for  
25 an appropriate special immigrant visa and to access available  
26 federal benefits. Cooperation with law enforcement shall not be

1 required of victims of a crime described in this Section who  
2 are under 18 years of age. This certification shall be made  
3 available to the victim and his or her designated legal  
4 representative.

5 (j) A person who commits the offense of involuntary  
6 servitude, involuntary sexual servitude of a minor, or  
7 trafficking in persons for forced labor or services under  
8 subsection (b), (c), or (d) of this Section is subject to the  
9 property forfeiture provisions set forth in Article 124B of the  
10 Code of Criminal Procedure of 1963. ~~shall forfeit to the State~~  
11 ~~of Illinois any profits or proceeds and any interest or~~  
12 ~~property he or she has acquired or maintained in violation of~~  
13 ~~subsection (b), (c), or (d) of this Section that the sentencing~~  
14 ~~court determines, after a forfeiture hearing, to have been~~  
15 ~~acquired or maintained as a result of maintaining a person in~~  
16 ~~involuntary servitude or participating in trafficking in~~  
17 ~~persons for forced labor or services.~~

18 ~~Upon petition by the Attorney General or State's Attorney~~  
19 ~~at any time following sentencing, the court shall conduct a~~  
20 ~~hearing to determine whether any property or property interest~~  
21 ~~is subject to forfeiture under this Section. At the forfeiture~~  
22 ~~hearing the People have the burden of establishing, by a~~  
23 ~~preponderance of the evidence, that property or property~~  
24 ~~interests are subject to forfeiture under this Section.~~

25 ~~In any action brought by the People of the State of~~  
26 ~~Illinois under this Section, in which a restraining order,~~

1 ~~injunction, or prohibition or any other action in connection~~  
2 ~~with any property or interest subject to forfeiture under this~~  
3 ~~Section is sought, the circuit court presiding over the trial~~  
4 ~~of the person or persons charged with involuntary servitude,~~  
5 ~~involuntary sexual servitude of a minor, or trafficking in~~  
6 ~~persons for forced labor or services shall first determine~~  
7 ~~whether there is probable cause to believe that the person or~~  
8 ~~persons so charged have committed the offense of involuntary~~  
9 ~~servitude, involuntary sexual servitude of a minor, or~~  
10 ~~trafficking in persons for forced labor or services and whether~~  
11 ~~the property or interest is subject to forfeiture under this~~  
12 ~~Section. In order to make that determination, prior to entering~~  
13 ~~any such order, the court shall conduct a hearing without a~~  
14 ~~jury, in which the People shall establish that there is: (i)~~  
15 ~~probable cause that the person or persons so charged have~~  
16 ~~committed the offense of involuntary servitude, involuntary~~  
17 ~~sexual servitude of a minor, or trafficking in persons for~~  
18 ~~forced labor or services and (ii) probable cause that any~~  
19 ~~property or interest may be subject to forfeiture under this~~  
20 ~~Section. The hearing may be conducted simultaneously with a~~  
21 ~~preliminary hearing, if the prosecution is commenced by~~  
22 ~~information or complaint, or by motion of the People, at any~~  
23 ~~stage in the proceedings. The court may accept a finding of~~  
24 ~~probable cause at a preliminary hearing following the filing of~~  
25 ~~an information charging the offense of involuntary servitude,~~  
26 ~~involuntary sexual servitude of a minor, or trafficking in~~

1 ~~persons for forced labor or services or the return of an~~  
2 ~~indictment by a grand jury charging the offense of involuntary~~  
3 ~~servitude, involuntary sexual servitude of a minor, or~~  
4 ~~trafficking in persons for forced labor or services as~~  
5 ~~sufficient evidence of probable cause as provided in item (i)~~  
6 ~~of this paragraph. Upon a finding, the circuit court shall~~  
7 ~~enter the restraining order, injunction, or prohibition, or~~  
8 ~~shall take such other action in connection with any such~~  
9 ~~property or other interest subject to forfeiture, as is~~  
10 ~~necessary to ensure that the property is not removed from the~~  
11 ~~jurisdiction of the court, concealed, destroyed, or otherwise~~  
12 ~~disposed of by the owner of that property or interest prior to~~  
13 ~~a forfeiture hearing under this Section. The Attorney General~~  
14 ~~or State's Attorney shall file a certified copy of the~~  
15 ~~restraining order, injunction, or other prohibition with the~~  
16 ~~recorder or registrar of titles of each county where any such~~  
17 ~~property of the defendant may be located. No such injunction,~~  
18 ~~restraining order, or other prohibition shall affect the rights~~  
19 ~~of any bona fide purchaser, mortgagee, judgment creditor, or~~  
20 ~~other lien holder arising prior to the date of that filing. At~~  
21 ~~any time, upon verified petition by the defendant or an~~  
22 ~~innocent owner or innocent bona fide third party lien holder~~  
23 ~~who neither had knowledge of, nor consented to, the illegal act~~  
24 ~~or omission, the court may conduct a hearing to release all or~~  
25 ~~portions of any such property or interest that the court~~  
26 ~~previously determined to be subject to forfeiture or subject to~~

1 ~~any restraining order, injunction, or prohibition or other~~  
2 ~~action. The court may release that property to the defendant or~~  
3 ~~innocent owner or innocent bona fide third party lien holder~~  
4 ~~who neither had knowledge of nor consented to the illegal act~~  
5 ~~or omission for good cause shown and within the sound~~  
6 ~~discretion of the court.~~

7 ~~Upon conviction of a person of involuntary servitude,~~  
8 ~~involuntary sexual servitude of a minor, or trafficking in~~  
9 ~~persons for forced labor or services, the court shall authorize~~  
10 ~~the Attorney General to seize all property or other interest~~  
11 ~~declared forfeited under this Section upon terms and conditions~~  
12 ~~the court deems proper.~~

13 ~~All moneys forfeited and the sale proceeds of all other~~  
14 ~~property forfeited and seized under this Section shall be~~  
15 ~~distributed as follows:~~

16 ~~(1) one half shall be divided equally between all State~~  
17 ~~agencies and units of local government whose officers or~~  
18 ~~employees conducted the investigation that resulted in the~~  
19 ~~forfeiture; and~~

20 ~~(2) one half shall be deposited into the Violent Crime~~  
21 ~~Victims Assistance Fund and targeted to services for~~  
22 ~~victims of the offenses of involuntary servitude,~~  
23 ~~involuntary sexual servitude of a minor, and trafficking in~~  
24 ~~persons for forced labor or services.~~

25 (Source: P.A. 96-710, eff. 1-1-10; incorporates 96-712, eff.  
26 1-1-10; revised 10-8-09.)

1 (720 ILCS 5/11-9.4)

2 Sec. 11-9.4. Approaching, contacting, residing, or  
3 communicating with a child within certain places by child sex  
4 offenders prohibited.

5 (a) It is unlawful for a child sex offender to knowingly be  
6 present in any public park building or on real property  
7 comprising any public park when persons under the age of 18 are  
8 present in the building or on the grounds and to approach,  
9 contact, or communicate with a child under 18 years of age,  
10 unless the offender is a parent or guardian of a person under  
11 18 years of age present in the building or on the grounds.

12 (b) It is unlawful for a child sex offender to knowingly  
13 loiter on a public way within 500 feet of a public park  
14 building or real property comprising any public park while  
15 persons under the age of 18 are present in the building or on  
16 the grounds and to approach, contact, or communicate with a  
17 child under 18 years of age, unless the offender is a parent or  
18 guardian of a person under 18 years of age present in the  
19 building or on the grounds.

20 (b-5) It is unlawful for a child sex offender to knowingly  
21 reside within 500 feet of a playground, child care institution,  
22 day care center, part day child care facility, day care home,  
23 group day care home, or a facility providing programs or  
24 services exclusively directed toward persons under 18 years of  
25 age. Nothing in this subsection (b-5) prohibits a child sex

1 offender from residing within 500 feet of a playground or a  
2 facility providing programs or services exclusively directed  
3 toward persons under 18 years of age if the property is owned  
4 by the child sex offender and was purchased before the  
5 effective date of this amendatory Act of the 91st General  
6 Assembly. Nothing in this subsection (b-5) prohibits a child  
7 sex offender from residing within 500 feet of a child care  
8 institution, day care center, or part day child care facility  
9 if the property is owned by the child sex offender and was  
10 purchased before the effective date of this amendatory Act of  
11 the 94th General Assembly. Nothing in this subsection (b-5)  
12 prohibits a child sex offender from residing within 500 feet of  
13 a day care home or group day care home if the property is owned  
14 by the child sex offender and was purchased before August 14,  
15 2008 (the effective date of Public Act 95-821).

16 (b-6) It is unlawful for a child sex offender to knowingly  
17 reside within 500 feet of the victim of the sex offense.  
18 Nothing in this subsection (b-6) prohibits a child sex offender  
19 from residing within 500 feet of the victim if the property in  
20 which the child sex offender resides is owned by the child sex  
21 offender and was purchased before the effective date of this  
22 amendatory Act of the 92nd General Assembly.

23 This subsection (b-6) does not apply if the victim of the  
24 sex offense is 21 years of age or older.

25 (b-7) It is unlawful for a child sex offender to knowingly  
26 communicate, other than for a lawful purpose under Illinois

1 law, using the Internet or any other digital media, with a  
2 person under 18 years of age or with a person whom he or she  
3 believes to be a person under 18 years of age, unless the  
4 offender is a parent or guardian of the person under 18 years  
5 of age.

6 (c) It is unlawful for a child sex offender to knowingly  
7 operate, manage, be employed by, volunteer at, be associated  
8 with, or knowingly be present at any: (i) facility providing  
9 programs or services exclusively directed towards persons  
10 under the age of 18; (ii) day care center; (iii) part day child  
11 care facility; (iv) child care institution; (v) school  
12 providing before and after school programs for children under  
13 18 years of age; (vi) day care home; or (vii) group day care  
14 home. This does not prohibit a child sex offender from owning  
15 the real property upon which the programs or services are  
16 offered or upon which the day care center, part day child care  
17 facility, child care institution, or school providing before  
18 and after school programs for children under 18 years of age is  
19 located, provided the child sex offender refrains from being  
20 present on the premises for the hours during which: (1) the  
21 programs or services are being offered or (2) the day care  
22 center, part day child care facility, child care institution,  
23 school providing before and after school programs for children  
24 under 18 years of age, day care home, or group day care home is  
25 operated.

26 (c-5) It is unlawful for a child sex offender to knowingly

1 operate, manage, be employed by, or be associated with any  
2 county fair when persons under the age of 18 are present.

3 (c-6) It is unlawful for a child sex offender who owns and  
4 resides at residential real estate to knowingly rent any  
5 residential unit within the same building in which he or she  
6 resides to a person who is the parent or guardian of a child or  
7 children under 18 years of age. This subsection shall apply  
8 only to leases or other rental arrangements entered into after  
9 January 1, 2009 (the effective date of Public Act 95-820).

10 (c-7) It is unlawful for a child sex offender to knowingly  
11 offer or provide any programs or services to persons under 18  
12 years of age in his or her residence or the residence of  
13 another or in any facility for the purpose of offering or  
14 providing such programs or services, whether such programs or  
15 services are offered or provided by contract, agreement,  
16 arrangement, or on a volunteer basis.

17 (c-8) It is unlawful for a child sex offender to knowingly  
18 operate, whether authorized to do so or not, any of the  
19 following vehicles: (1) a vehicle which is specifically  
20 designed, constructed or modified and equipped to be used for  
21 the retail sale of food or beverages, including but not limited  
22 to an ice cream truck; (2) an authorized emergency vehicle; or  
23 (3) a rescue vehicle.

24 (d) Definitions. In this Section:

25 (1) "Child sex offender" means any person who:

26 (i) has been charged under Illinois law, or any

1 substantially similar federal law or law of another  
2 state, with a sex offense set forth in paragraph (2) of  
3 this subsection (d) or the attempt to commit an  
4 included sex offense, and:

5 (A) is convicted of such offense or an attempt  
6 to commit such offense; or

7 (B) is found not guilty by reason of insanity  
8 of such offense or an attempt to commit such  
9 offense; or

10 (C) is found not guilty by reason of insanity  
11 pursuant to subsection (c) of Section 104-25 of the  
12 Code of Criminal Procedure of 1963 of such offense  
13 or an attempt to commit such offense; or

14 (D) is the subject of a finding not resulting  
15 in an acquittal at a hearing conducted pursuant to  
16 subsection (a) of Section 104-25 of the Code of  
17 Criminal Procedure of 1963 for the alleged  
18 commission or attempted commission of such  
19 offense; or

20 (E) is found not guilty by reason of insanity  
21 following a hearing conducted pursuant to a  
22 federal law or the law of another state  
23 substantially similar to subsection (c) of Section  
24 104-25 of the Code of Criminal Procedure of 1963 of  
25 such offense or of the attempted commission of such  
26 offense; or

1 (F) is the subject of a finding not resulting  
2 in an acquittal at a hearing conducted pursuant to  
3 a federal law or the law of another state  
4 substantially similar to subsection (a) of Section  
5 104-25 of the Code of Criminal Procedure of 1963  
6 for the alleged violation or attempted commission  
7 of such offense; or

8 (ii) is certified as a sexually dangerous person  
9 pursuant to the Illinois Sexually Dangerous Persons  
10 Act, or any substantially similar federal law or the  
11 law of another state, when any conduct giving rise to  
12 such certification is committed or attempted against a  
13 person less than 18 years of age; or

14 (iii) is subject to the provisions of Section 2 of  
15 the Interstate Agreements on Sexually Dangerous  
16 Persons Act.

17 Convictions that result from or are connected with the  
18 same act, or result from offenses committed at the same  
19 time, shall be counted for the purpose of this Section as  
20 one conviction. Any conviction set aside pursuant to law is  
21 not a conviction for purposes of this Section.

22 (2) Except as otherwise provided in paragraph (2.5),  
23 "sex offense" means:

24 (i) A violation of any of the following Sections of  
25 the Criminal Code of 1961: 10-7 (aiding or abetting  
26 child abduction under Section 10-5(b)(10)),

1 10-5(b)(10) (child luring), 11-6 (indecent  
2 solicitation of a child), 11-6.5 (indecent  
3 solicitation of an adult), 11-9 (public indecency when  
4 committed in a school, on the real property comprising  
5 a school, on a conveyance owned, leased, or contracted  
6 by a school to transport students to or from school or  
7 a school related activity, or in a public park), 11-9.1  
8 (sexual exploitation of a child), 11-15.1 (soliciting  
9 for a juvenile prostitute), 11-17.1 (keeping a place of  
10 juvenile prostitution), 11-18.1 (patronizing a  
11 juvenile prostitute), 11-19.1 (juvenile pimping),  
12 11-19.2 (exploitation of a child), 11-20.1 (child  
13 pornography), 11-20.3 (aggravated child pornography),  
14 11-21 (harmful material), 12-14.1 (predatory criminal  
15 sexual assault of a child), 12-33 (ritualized abuse of  
16 a child), 11-20 (obscenity) (when that offense was  
17 committed in any school, on real property comprising  
18 any school, on any conveyance owned, leased, or  
19 contracted by a school to transport students to or from  
20 school or a school related activity, or in a public  
21 park). An attempt to commit any of these offenses.

22 (ii) A violation of any of the following Sections  
23 of the Criminal Code of 1961, when the victim is a  
24 person under 18 years of age: 12-13 (criminal sexual  
25 assault), 12-14 (aggravated criminal sexual assault),  
26 12-15 (criminal sexual abuse), 12-16 (aggravated

1 criminal sexual abuse). An attempt to commit any of  
2 these offenses.

3 (iii) A violation of any of the following Sections  
4 of the Criminal Code of 1961, when the victim is a  
5 person under 18 years of age and the defendant is not a  
6 parent of the victim:

7 10-1 (kidnapping),

8 10-2 (aggravated kidnapping),

9 10-3 (unlawful restraint),

10 10-3.1 (aggravated unlawful restraint).

11 An attempt to commit any of these offenses.

12 (iv) A violation of any former law of this State  
13 substantially equivalent to any offense listed in  
14 clause (2)(i) of this subsection (d).

15 (2.5) For the purposes of subsection (b-5) only, a sex  
16 offense means:

17 (i) A violation of any of the following Sections of  
18 the Criminal Code of 1961:

19 10-5(b)(10) (child luring), 10-7 (aiding or  
20 abetting child abduction under Section  
21 10-5(b)(10)), 11-6 (indecent solicitation of a  
22 child), 11-6.5 (indecent solicitation of an  
23 adult), 11-15.1 (soliciting for a juvenile  
24 prostitute), 11-17.1 (keeping a place of juvenile  
25 prostitution), 11-18.1 (patronizing a juvenile  
26 prostitute), 11-19.1 (juvenile pimping), 11-19.2

1 (exploitation of a child), 11-20.1 (child  
2 pornography), 11-20.3 (aggravated child  
3 pornography), 12-14.1 (predatory criminal sexual  
4 assault of a child), or 12-33 (ritualized abuse of  
5 a child). An attempt to commit any of these  
6 offenses.

7 (ii) A violation of any of the following Sections  
8 of the Criminal Code of 1961, when the victim is a  
9 person under 18 years of age: 12-13 (criminal sexual  
10 assault), 12-14 (aggravated criminal sexual assault),  
11 12-16 (aggravated criminal sexual abuse), and  
12 subsection (a) of Section 12-15 (criminal sexual  
13 abuse). An attempt to commit any of these offenses.

14 (iii) A violation of any of the following Sections  
15 of the Criminal Code of 1961, when the victim is a  
16 person under 18 years of age and the defendant is not a  
17 parent of the victim:

18 10-1 (kidnapping),  
19 10-2 (aggravated kidnapping),  
20 10-3 (unlawful restraint),  
21 10-3.1 (aggravated unlawful restraint).

22 An attempt to commit any of these offenses.

23 (iv) A violation of any former law of this State  
24 substantially equivalent to any offense listed in this  
25 paragraph (2.5) of this subsection.

26 (3) A conviction for an offense of federal law or the

1 law of another state that is substantially equivalent to  
2 any offense listed in paragraph (2) of this subsection (d)  
3 shall constitute a conviction for the purpose of this  
4 Section. A finding or adjudication as a sexually dangerous  
5 person under any federal law or law of another state that  
6 is substantially equivalent to the Sexually Dangerous  
7 Persons Act shall constitute an adjudication for the  
8 purposes of this Section.

9 (4) "Public park" includes a park, forest preserve, or  
10 conservation area under the jurisdiction of the State or a  
11 unit of local government.

12 (5) "Facility providing programs or services directed  
13 towards persons under the age of 18" means any facility  
14 providing programs or services exclusively directed  
15 towards persons under the age of 18.

16 (6) "Loiter" means:

17 (i) Standing, sitting idly, whether or not the  
18 person is in a vehicle or remaining in or around public  
19 park property.

20 (ii) Standing, sitting idly, whether or not the  
21 person is in a vehicle or remaining in or around public  
22 park property, for the purpose of committing or  
23 attempting to commit a sex offense.

24 (7) "Playground" means a piece of land owned or  
25 controlled by a unit of local government that is designated  
26 by the unit of local government for use solely or primarily

1 for children's recreation.

2 (8) "Child care institution" has the meaning ascribed  
3 to it in Section 2.06 of the Child Care Act of 1969.

4 (9) "Day care center" has the meaning ascribed to it in  
5 Section 2.09 of the Child Care Act of 1969.

6 (10) "Part day child care facility" has the meaning  
7 ascribed to it in Section 2.10 of the Child Care Act of  
8 1969.

9 (11) "Day care home" has the meaning ascribed to it in  
10 Section 2.18 of the Child Care Act of 1969.

11 (12) "Group day care home" has the meaning ascribed to  
12 it in Section 2.20 of the Child Care Act of 1969.

13 (13) "Internet" means an interactive computer service  
14 or system or an information service, system, or access  
15 software provider that provides or enables computer access  
16 by multiple users to a computer server, and includes, but  
17 is not limited to, an information service, system, or  
18 access software provider that provides access to a network  
19 system commonly known as the Internet, or any comparable  
20 system or service and also includes, but is not limited to,  
21 a World Wide Web page, newsgroup, message board, mailing  
22 list, or chat area on any interactive computer service or  
23 system or other online service.

24 (14) "Authorized emergency vehicle", "rescue vehicle",  
25 and "vehicle" have the meanings ascribed to them in  
26 Sections 1-105, 1-171.8 and 1-217, respectively, of the

1 Illinois Vehicle Code.

2 (d-5) For the purposes of this Section, the 500 feet  
3 distance shall be measured from the edge of the property  
4 comprising the public park building or the real property  
5 comprising the public park, playground, child care  
6 institution, day care center, part day child care facility, or  
7 a facility providing programs or services exclusively directed  
8 toward persons under 18 years of age, or a victim of the sex  
9 offense who is under 21 years of age to the edge of the child  
10 sex offender's place of residence or where he or she is  
11 loitering.

12 (e) Sentence. A person who violates this Section is guilty  
13 of a Class 4 felony.

14 (Source: P.A. 95-32, eff. 1-1-08; 95-640, eff. 6-1-08; 95-819,  
15 eff. 1-1-09; 95-820, eff. 1-1-09; 95-821, eff. 8-14-08; 95-876,  
16 eff. 8-21-08; 95-983, eff. 6-1-09; 96-118, eff. 8-4-09; 96-328,  
17 eff. 8-11-09; 96-710, eff. 1-1-10; revised 10-6-09.)

18 (720 ILCS 5/11-20.1) (from Ch. 38, par. 11-20.1)

19 Sec. 11-20.1. Child pornography.

20 (a) A person commits the offense of child pornography who:

21 (1) films, videotapes, photographs, or otherwise  
22 depicts or portrays by means of any similar visual medium  
23 or reproduction or depicts by computer any child whom he  
24 knows or reasonably should know to be under the age of 18  
25 or any severely or profoundly mentally retarded person

1 where such child or severely or profoundly mentally  
2 retarded person is:

3 (i) actually or by simulation engaged in any act of  
4 sexual penetration or sexual conduct with any person or  
5 animal; or

6 (ii) actually or by simulation engaged in any act  
7 of sexual penetration or sexual conduct involving the  
8 sex organs of the child or severely or profoundly  
9 mentally retarded person and the mouth, anus, or sex  
10 organs of another person or animal; or which involves  
11 the mouth, anus or sex organs of the child or severely  
12 or profoundly mentally retarded person and the sex  
13 organs of another person or animal; or

14 (iii) actually or by simulation engaged in any act  
15 of masturbation; or

16 (iv) actually or by simulation portrayed as being  
17 the object of, or otherwise engaged in, any act of lewd  
18 fondling, touching, or caressing involving another  
19 person or animal; or

20 (v) actually or by simulation engaged in any act of  
21 excretion or urination within a sexual context; or

22 (vi) actually or by simulation portrayed or  
23 depicted as bound, fettered, or subject to sadistic,  
24 masochistic, or sadomasochistic abuse in any sexual  
25 context; or

26 (vii) depicted or portrayed in any pose, posture or

1 setting involving a lewd exhibition of the unclothed or  
2 transparently clothed genitals, pubic area, buttocks,  
3 or, if such person is female, a fully or partially  
4 developed breast of the child or other person; or

5 (2) with the knowledge of the nature or content  
6 thereof, reproduces, disseminates, offers to disseminate,  
7 exhibits or possesses with intent to disseminate any film,  
8 videotape, photograph or other similar visual reproduction  
9 or depiction by computer of any child or severely or  
10 profoundly mentally retarded person whom the person knows  
11 or reasonably should know to be under the age of 18 or to  
12 be a severely or profoundly mentally retarded person,  
13 engaged in any activity described in subparagraphs (i)  
14 through (vii) of paragraph (1) of this subsection; or

15 (3) with knowledge of the subject matter or theme  
16 thereof, produces any stage play, live performance, film,  
17 videotape or other similar visual portrayal or depiction by  
18 computer which includes a child whom the person knows or  
19 reasonably should know to be under the age of 18 or a  
20 severely or profoundly mentally retarded person engaged in  
21 any activity described in subparagraphs (i) through (vii)  
22 of paragraph (1) of this subsection; or

23 (4) solicits, uses, persuades, induces, entices, or  
24 coerces any child whom he knows or reasonably should know  
25 to be under the age of 18 or a severely or profoundly  
26 mentally retarded person to appear in any stage play, live

1 presentation, film, videotape, photograph or other similar  
2 visual reproduction or depiction by computer in which the  
3 child or severely or profoundly mentally retarded person is  
4 or will be depicted, actually or by simulation, in any act,  
5 pose or setting described in subparagraphs (i) through  
6 (vii) of paragraph (1) of this subsection; or

7 (5) is a parent, step-parent, legal guardian or other  
8 person having care or custody of a child whom the person  
9 knows or reasonably should know to be under the age of 18  
10 or a severely or profoundly mentally retarded person and  
11 who knowingly permits, induces, promotes, or arranges for  
12 such child or severely or profoundly mentally retarded  
13 person to appear in any stage play, live performance, film,  
14 videotape, photograph or other similar visual  
15 presentation, portrayal or simulation or depiction by  
16 computer of any act or activity described in subparagraphs  
17 (i) through (vii) of paragraph (1) of this subsection; or

18 (6) with knowledge of the nature or content thereof,  
19 possesses any film, videotape, photograph or other similar  
20 visual reproduction or depiction by computer of any child  
21 or severely or profoundly mentally retarded person whom the  
22 person knows or reasonably should know to be under the age  
23 of 18 or to be a severely or profoundly mentally retarded  
24 person, engaged in any activity described in subparagraphs  
25 (i) through (vii) of paragraph (1) of this subsection; or

26 (7) solicits, uses, persuades, induces, entices, or

1           coerces a person to provide a child under the age of 18 or  
2           a severely or profoundly mentally retarded person to appear  
3           in any videotape, photograph, film, stage play, live  
4           presentation, or other similar visual reproduction or  
5           depiction by computer in which the child or severely or  
6           profoundly mentally retarded person will be depicted,  
7           actually or by simulation, in any act, pose, or setting  
8           described in subparagraphs (i) through (vii) of paragraph  
9           (1) of this subsection.

10          (b) (1) It shall be an affirmative defense to a charge of  
11          child pornography that the defendant reasonably believed,  
12          under all of the circumstances, that the child was 18 years  
13          of age or older or that the person was not a severely or  
14          profoundly mentally retarded person but only where, prior  
15          to the act or acts giving rise to a prosecution under this  
16          Section, he took some affirmative action or made a bonafide  
17          inquiry designed to ascertain whether the child was 18  
18          years of age or older or that the person was not a severely  
19          or profoundly mentally retarded person and his reliance  
20          upon the information so obtained was clearly reasonable.

21          (2) (Blank).

22          (3) The charge of child pornography shall not apply to  
23          the performance of official duties by law enforcement or  
24          prosecuting officers or persons employed by law  
25          enforcement or prosecuting agencies, court personnel or  
26          attorneys, nor to bonafide treatment or professional

1 education programs conducted by licensed physicians,  
2 psychologists or social workers.

3 (4) Possession by the defendant of more than one of the  
4 same film, videotape or visual reproduction or depiction by  
5 computer in which child pornography is depicted shall raise  
6 a rebuttable presumption that the defendant possessed such  
7 materials with the intent to disseminate them.

8 (5) The charge of child pornography does not apply to a  
9 person who does not voluntarily possess a film, videotape,  
10 or visual reproduction or depiction by computer in which  
11 child pornography is depicted. Possession is voluntary if  
12 the defendant knowingly procures or receives a film,  
13 videotape, or visual reproduction or depiction for a  
14 sufficient time to be able to terminate his or her  
15 possession.

16 (6) Any violation of paragraph (1), (2), (3), (4), (5),  
17 or (7) of subsection (a) that includes a child engaged in,  
18 solicited for, depicted in, or posed in any act of sexual  
19 penetration or bound, fettered, or subject to sadistic,  
20 masochistic, or sadomasochistic abuse in a sexual context  
21 shall be deemed a crime of violence.

22 (c) Violation of paragraph (1), (4), (5), or (7) of  
23 subsection (a) is a Class 1 felony with a mandatory minimum  
24 fine of \$2,000 and a maximum fine of \$100,000. Violation of  
25 paragraph (3) of subsection (a) is a Class 1 felony with a  
26 mandatory minimum fine of \$1500 and a maximum fine of \$100,000.

1 Violation of paragraph (2) of subsection (a) is a Class 1  
2 felony with a mandatory minimum fine of \$1000 and a maximum  
3 fine of \$100,000. Violation of paragraph (6) of subsection (a)  
4 is a Class 3 felony with a mandatory minimum fine of \$1000 and  
5 a maximum fine of \$100,000.

6 (d) If a person is convicted of a second or subsequent  
7 violation of this Section within 10 years of a prior  
8 conviction, the court shall order a presentence psychiatric  
9 examination of the person. The examiner shall report to the  
10 court whether treatment of the person is necessary.

11 (e) Any film, videotape, photograph or other similar visual  
12 reproduction or depiction by computer which includes a child  
13 under the age of 18 or a severely or profoundly mentally  
14 retarded person engaged in any activity described in  
15 subparagraphs (i) through (vii) or paragraph 1 of subsection  
16 (a), and any material or equipment used or intended for use in  
17 photographing, filming, printing, producing, reproducing,  
18 manufacturing, projecting, exhibiting, depiction by computer,  
19 or disseminating such material shall be seized and forfeited in  
20 the manner, method and procedure provided by Section 36-1 of  
21 this Code for the seizure and forfeiture of vessels, vehicles  
22 and aircraft.

23 In addition, any person convicted under this Section is  
24 subject to the property forfeiture provisions set forth in  
25 Article 124B of the Code of Criminal Procedure of 1963.

26 (e-5) Upon the conclusion of a case brought under this

1 Section, the court shall seal all evidence depicting a victim  
2 or witness that is sexually explicit. The evidence may be  
3 unsealed and viewed, on a motion of the party seeking to unseal  
4 and view the evidence, only for good cause shown and in the  
5 discretion of the court. The motion must expressly set forth  
6 the purpose for viewing the material. The State's attorney and  
7 the victim, if possible, shall be provided reasonable notice of  
8 the hearing on the motion to unseal the evidence. Any person  
9 entitled to notice of a hearing under this subsection (e-5) may  
10 object to the motion.

11 (f) Definitions. For the purposes of this Section:

12 (1) "Disseminate" means (i) to sell, distribute,  
13 exchange or transfer possession, whether with or without  
14 consideration or (ii) to make a depiction by computer  
15 available for distribution or downloading through the  
16 facilities of any telecommunications network or through  
17 any other means of transferring computer programs or data  
18 to a computer.

19 (2) "Produce" means to direct, promote, advertise,  
20 publish, manufacture, issue, present or show.

21 (3) "Reproduce" means to make a duplication or copy.

22 (4) "Depict by computer" means to generate or create,  
23 or cause to be created or generated, a computer program or  
24 data that, after being processed by a computer either alone  
25 or in conjunction with one or more computer programs,  
26 results in a visual depiction on a computer monitor,

1 screen, or display.

2 (5) "Depiction by computer" means a computer program or  
3 data that, after being processed by a computer either alone  
4 or in conjunction with one or more computer programs,  
5 results in a visual depiction on a computer monitor,  
6 screen, or display.

7 (6) "Computer", "computer program", and "data" have  
8 the meanings ascribed to them in Section 16D-2 of this  
9 Code.

10 (7) "Child" includes a film, videotape, photograph, or  
11 other similar visual medium or reproduction or depiction by  
12 computer that is, or appears to be, that of a person,  
13 either in part, or in total, under the age of 18,  
14 regardless of the method by which the film, videotape,  
15 photograph, or other similar visual medium or reproduction  
16 or depiction by computer is created, adopted, or modified  
17 to appear as such. "Child" also includes a film, videotape,  
18 photograph, or other similar visual medium or reproduction  
19 or depiction by computer that is advertised, promoted,  
20 presented, described, or distributed in such a manner that  
21 conveys the impression that the film, videotape,  
22 photograph, or other similar visual medium or reproduction  
23 or depiction by computer is of a person under the age of  
24 18.

25 (8) "Sexual penetration" and "sexual conduct" have the  
26 meanings ascribed to them in Section 12-12 of this Code.

1 (g) Re-enactment; findings; purposes.

2 (1) The General Assembly finds and declares that:

3 (i) Section 50-5 of Public Act 88-680, effective  
4 January 1, 1995, contained provisions amending the  
5 child pornography statute, Section 11-20.1 of the  
6 Criminal Code of 1961. Section 50-5 also contained  
7 other provisions.

8 (ii) In addition, Public Act 88-680 was entitled  
9 "AN ACT to create a Safe Neighborhoods Law". (A)  
10 Article 5 was entitled JUVENILE JUSTICE and amended the  
11 Juvenile Court Act of 1987. (B) Article 15 was entitled  
12 GANGS and amended various provisions of the Criminal  
13 Code of 1961 and the Unified Code of Corrections. (C)  
14 Article 20 was entitled ALCOHOL ABUSE and amended  
15 various provisions of the Illinois Vehicle Code. (D)  
16 Article 25 was entitled DRUG ABUSE and amended the  
17 Cannabis Control Act and the Illinois Controlled  
18 Substances Act. (E) Article 30 was entitled FIREARMS  
19 and amended the Criminal Code of 1961 and the Code of  
20 Criminal Procedure of 1963. (F) Article 35 amended the  
21 Criminal Code of 1961, the Rights of Crime Victims and  
22 Witnesses Act, and the Unified Code of Corrections. (G)  
23 Article 40 amended the Criminal Code of 1961 to  
24 increase the penalty for compelling organization  
25 membership of persons. (H) Article 45 created the  
26 Secure Residential Youth Care Facility Licensing Act

1 and amended the State Finance Act, the Juvenile Court  
2 Act of 1987, the Unified Code of Corrections, and the  
3 Private Correctional Facility Moratorium Act. (I)  
4 Article 50 amended the WIC Vendor Management Act, the  
5 Firearm Owners Identification Card Act, the Juvenile  
6 Court Act of 1987, the Criminal Code of 1961, the  
7 Wrongs to Children Act, and the Unified Code of  
8 Corrections.

9 (iii) On September 22, 1998, the Third District  
10 Appellate Court in *People v. Dainty*, 701 N.E. 2d 118,  
11 ruled that Public Act 88-680 violates the single  
12 subject clause of the Illinois Constitution (Article  
13 IV, Section 8 (d)) and was unconstitutional in its  
14 entirety. As of the time this amendatory Act of 1999  
15 was prepared, *People v. Dainty* was still subject to  
16 appeal.

17 (iv) Child pornography is a vital concern to the  
18 people of this State and the validity of future  
19 prosecutions under the child pornography statute of  
20 the Criminal Code of 1961 is in grave doubt.

21 (2) It is the purpose of this amendatory Act of 1999 to  
22 prevent or minimize any problems relating to prosecutions  
23 for child pornography that may result from challenges to  
24 the constitutional validity of Public Act 88-680 by  
25 re-enacting the Section relating to child pornography that  
26 was included in Public Act 88-680.

1           (3) This amendatory Act of 1999 re-enacts Section  
2           11-20.1 of the Criminal Code of 1961, as it has been  
3           amended. This re-enactment is intended to remove any  
4           question as to the validity or content of that Section; it  
5           is not intended to supersede any other Public Act that  
6           amends the text of the Section as set forth in this  
7           amendatory Act of 1999. The material is shown as existing  
8           text (i.e., without underscoring) because, as of the time  
9           this amendatory Act of 1999 was prepared, *People v. Dainty*  
10          was subject to appeal to the Illinois Supreme Court.

11          (4) The re-enactment by this amendatory Act of 1999 of  
12          Section 11-20.1 of the Criminal Code of 1961 relating to  
13          child pornography that was amended by Public Act 88-680 is  
14          not intended, and shall not be construed, to imply that  
15          Public Act 88-680 is invalid or to limit or impair any  
16          legal argument concerning whether those provisions were  
17          substantially re-enacted by other Public Acts.

18          (Source: P.A. 96-292, eff. 1-1-10; 96-712, eff. 1-1-10; revised  
19          10-1-09.)

20          (720 ILCS 5/11-20.3)

21          Sec. 11-20.3. Aggravated child pornography.

22          (a) A person commits the offense of aggravated child  
23          pornography who:

24                  (1) films, videotapes, photographs, or otherwise  
25          depicts or portrays by means of any similar visual medium

1 or reproduction or depicts by computer any child whom he or  
2 she knows or reasonably should know to be under the age of  
3 13 years where such child is:

4 (i) actually or by simulation engaged in any act of  
5 sexual penetration or sexual conduct with any person or  
6 animal; or

7 (ii) actually or by simulation engaged in any act  
8 of sexual penetration or sexual conduct involving the  
9 sex organs of the child and the mouth, anus, or sex  
10 organs of another person or animal; or which involves  
11 the mouth, anus or sex organs of the child and the sex  
12 organs of another person or animal; or

13 (iii) actually or by simulation engaged in any act  
14 of masturbation; or

15 (iv) actually or by simulation portrayed as being  
16 the object of, or otherwise engaged in, any act of lewd  
17 fondling, touching, or caressing involving another  
18 person or animal; or

19 (v) actually or by simulation engaged in any act of  
20 excretion or urination within a sexual context; or

21 (vi) actually or by simulation portrayed or  
22 depicted as bound, fettered, or subject to sadistic,  
23 masochistic, or sadomasochistic abuse in any sexual  
24 context; or

25 (vii) depicted or portrayed in any pose, posture or  
26 setting involving a lewd exhibition of the unclothed or

1 transparently clothed genitals, pubic area, buttocks,  
2 or, if such person is female, a fully or partially  
3 developed breast of the child or other person; or

4 (2) with the knowledge of the nature or content  
5 thereof, reproduces, disseminates, offers to disseminate,  
6 exhibits or possesses with intent to disseminate any film,  
7 videotape, photograph or other similar visual reproduction  
8 or depiction by computer of any child whom the person knows  
9 or reasonably should know to be under the age of 13 engaged  
10 in any activity described in subparagraphs (i) through  
11 (vii) of paragraph (1) of this subsection; or

12 (3) with knowledge of the subject matter or theme  
13 thereof, produces any stage play, live performance, film,  
14 videotape or other similar visual portrayal or depiction by  
15 computer which includes a child whom the person knows or  
16 reasonably should know to be under the age of 13 engaged in  
17 any activity described in subparagraphs (i) through (vii)  
18 of paragraph (1) of this subsection; or

19 (4) solicits, uses, persuades, induces, entices, or  
20 coerces any child whom he or she knows or reasonably should  
21 know to be under the age of 13 to appear in any stage play,  
22 live presentation, film, videotape, photograph or other  
23 similar visual reproduction or depiction by computer in  
24 which the child or severely or profoundly mentally retarded  
25 person is or will be depicted, actually or by simulation,  
26 in any act, pose or setting described in subparagraphs (i)

1 through (vii) of paragraph (1) of this subsection; or

2 (5) is a parent, step-parent, legal guardian or other  
3 person having care or custody of a child whom the person  
4 knows or reasonably should know to be under the age of 13  
5 and who knowingly permits, induces, promotes, or arranges  
6 for such child to appear in any stage play, live  
7 performance, film, videotape, photograph or other similar  
8 visual presentation, portrayal or simulation or depiction  
9 by computer of any act or activity described in  
10 subparagraphs (i) through (vii) of paragraph (1) of this  
11 subsection; or

12 (6) with knowledge of the nature or content thereof,  
13 possesses any film, videotape, photograph or other similar  
14 visual reproduction or depiction by computer of any child  
15 whom the person knows or reasonably should know to be under  
16 the age of 13 engaged in any activity described in  
17 subparagraphs (i) through (vii) of paragraph (1) of this  
18 subsection; or

19 (7) solicits, or knowingly uses, persuades, induces,  
20 entices, or coerces a person to provide a child under the  
21 age of 13 to appear in any videotape, photograph, film,  
22 stage play, live presentation, or other similar visual  
23 reproduction or depiction by computer in which the child  
24 will be depicted, actually or by simulation, in any act,  
25 pose, or setting described in subparagraphs (i) through  
26 (vii) of paragraph (1) of this subsection.

1           (b)(1) It shall be an affirmative defense to a charge of  
2 aggravated child pornography that the defendant reasonably  
3 believed, under all of the circumstances, that the child was 13  
4 years of age or older, but only where, prior to the act or acts  
5 giving rise to a prosecution under this Section, he or she took  
6 some affirmative action or made a bonafide inquiry designed to  
7 ascertain whether the child was 13 years of age or older and  
8 his or her reliance upon the information so obtained was  
9 clearly reasonable.

10           (2) The charge of aggravated child pornography shall not  
11 apply to the performance of official duties by law enforcement  
12 or prosecuting officers or persons employed by law enforcement  
13 or prosecuting agencies, court personnel or attorneys, nor to  
14 bonafide treatment or professional education programs  
15 conducted by licensed physicians, psychologists or social  
16 workers.

17           (3) If the defendant possessed more than 3 of the same  
18 film, videotape or visual reproduction or depiction by computer  
19 in which aggravated child pornography is depicted, then the  
20 trier of fact may infer that the defendant possessed such  
21 materials with the intent to disseminate them.

22           (4) The charge of aggravated child pornography does not  
23 apply to a person who does not voluntarily possess a film,  
24 videotape, or visual reproduction or depiction by computer in  
25 which aggravated child pornography is depicted. Possession is  
26 voluntary if the defendant knowingly procures or receives a

1 film, videotape, or visual reproduction or depiction for a  
2 sufficient time to be able to terminate his or her possession.

3 (5) Any violation of paragraph (1), (2), (3), (4), (5), or  
4 (7) of subsection (a) that includes a child engaged in,  
5 solicited for, depicted in, or posed in any act of sexual  
6 penetration or bound, fettered, or subject to sadistic,  
7 masochistic, or sadomasochistic abuse in a sexual context shall  
8 be deemed a crime of violence.

9 (c) Sentence: (1) A person who commits a violation of  
10 paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) is  
11 guilty of a Class X felony with a mandatory minimum fine of  
12 \$2,000 and a maximum fine of \$100,000.

13 (2) A person who commits a violation of paragraph (6) of  
14 subsection (a) is guilty of a Class 2 felony with a mandatory  
15 minimum fine of \$1000 and a maximum fine of \$100,000.

16 (3) A person who commits a violation of paragraph (1), (2),  
17 (3), (4), (5), or (7) of subsection (a) where the defendant has  
18 previously been convicted under the laws of this State or any  
19 other state of the offense of child pornography, aggravated  
20 child pornography, aggravated criminal sexual abuse,  
21 aggravated criminal sexual assault, predatory criminal sexual  
22 assault of a child, or any of the offenses formerly known as  
23 rape, deviate sexual assault, indecent liberties with a child,  
24 or aggravated indecent liberties with a child where the victim  
25 was under the age of 18 years or an offense that is  
26 substantially equivalent to those offenses, is guilty of a

1 Class X felony for which the person shall be sentenced to a  
2 term of imprisonment of not less than 9 years with a mandatory  
3 minimum fine of \$2,000 and a maximum fine of \$100,000.

4 (4) A person who commits a violation of paragraph (6) of  
5 subsection (a) where the defendant has previously been  
6 convicted under the laws of this State or any other state of  
7 the offense of child pornography, aggravated child  
8 pornography, aggravated criminal sexual abuse, aggravated  
9 criminal sexual assault, predatory criminal sexual assault of a  
10 child, or any of the offenses formerly known as rape, deviate  
11 sexual assault, indecent liberties with a child, or aggravated  
12 indecent liberties with a child where the victim was under the  
13 age of 18 years or an offense that is substantially equivalent  
14 to those offenses, is guilty of a Class 1 felony with a  
15 mandatory minimum fine of \$1000 and a maximum fine of \$100,000.

16 (d) If a person is convicted of a second or subsequent  
17 violation of this Section within 10 years of a prior  
18 conviction, the court shall order a presentence psychiatric  
19 examination of the person. The examiner shall report to the  
20 court whether treatment of the person is necessary.

21 (e) Any film, videotape, photograph or other similar visual  
22 reproduction or depiction by computer which includes a child  
23 under the age of 13 engaged in any activity described in  
24 subparagraphs (i) through (vii) of paragraph (1) of subsection  
25 (a), and any material or equipment used or intended for use in  
26 photographing, filming, printing, producing, reproducing,

1 manufacturing, projecting, exhibiting, depiction by computer,  
2 or disseminating such material shall be seized and forfeited in  
3 the manner, method and procedure provided by Section 36-1 of  
4 this Code for the seizure and forfeiture of vessels, vehicles  
5 and aircraft.

6 In addition, any person convicted under this Section is  
7 subject to the property forfeiture provisions set forth in  
8 Article 124B of the Code of Criminal Procedure of 1963.

9 (e-5) Upon the conclusion of a case brought under this  
10 Section, the court shall seal all evidence depicting a victim  
11 or witness that is sexually explicit. The evidence may be  
12 unsealed and viewed, on a motion of the party seeking to unseal  
13 and view the evidence, only for good cause shown and in the  
14 discretion of the court. The motion must expressly set forth  
15 the purpose for viewing the material. The State's attorney and  
16 the victim, if possible, shall be provided reasonable notice of  
17 the hearing on the motion to unseal the evidence. Any person  
18 entitled to notice of a hearing under this subsection (e-5) may  
19 object to the motion.

20 (f) Definitions. For the purposes of this Section:

21 (1) "Disseminate" means (i) to sell, distribute,  
22 exchange or transfer possession, whether with or without  
23 consideration or (ii) to make a depiction by computer  
24 available for distribution or downloading through the  
25 facilities of any telecommunications network or through  
26 any other means of transferring computer programs or data

1 to a computer.

2 (2) "Produce" means to direct, promote, advertise,  
3 publish, manufacture, issue, present or show.

4 (3) "Reproduce" means to make a duplication or copy.

5 (4) "Depict by computer" means to generate or create,  
6 or cause to be created or generated, a computer program or  
7 data that, after being processed by a computer either alone  
8 or in conjunction with one or more computer programs,  
9 results in a visual depiction on a computer monitor,  
10 screen, or display.

11 (5) "Depiction by computer" means a computer program or  
12 data that, after being processed by a computer either alone  
13 or in conjunction with one or more computer programs,  
14 results in a visual depiction on a computer monitor,  
15 screen, or display.

16 (6) "Computer", "computer program", and "data" have  
17 the meanings ascribed to them in Section 16D-2 of this  
18 Code.

19 (7) For the purposes of this Section, "child" means a  
20 person, either in part or in total, under the age of 13,  
21 regardless of the method by which the film, videotape,  
22 photograph, or other similar visual medium or reproduction  
23 or depiction by computer is created, adopted, or modified  
24 to appear as such.

25 (8) "Sexual penetration" and "sexual conduct" have the  
26 meanings ascribed to them in Section 12-12 of this Code.

1 (g) When a charge of aggravated child pornography is  
2 brought, the age of the child is an element of the offense to  
3 be resolved by the trier of fact as either exceeding or not  
4 exceeding the age in question. The trier of fact can rely on  
5 its own everyday observations and common experiences in making  
6 this determination.

7 (Source: P.A. 95-579, eff. 6-1-08; 96-292, eff. 1-1-10; 96-712,  
8 eff. 1-1-10; revised 10-1-09.)

9 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

10 Sec. 12-2. Aggravated assault.

11 (a) A person commits an aggravated assault, when, in  
12 committing an assault, he:

13 (1) Uses a deadly weapon, an air rifle as defined in  
14 the Air Rifle Act, or any device manufactured and designed  
15 to be substantially similar in appearance to a firearm,  
16 other than by discharging a firearm in the direction of  
17 another person, a peace officer, a person summoned or  
18 directed by a peace officer, a correctional officer, a  
19 private security officer, or a fireman or in the direction  
20 of a vehicle occupied by another person, a peace officer, a  
21 person summoned or directed by a peace officer, a  
22 correctional officer, a private security officer, or a  
23 fireman while the officer or fireman is engaged in the  
24 execution of any of his official duties, or to prevent the  
25 officer or fireman from performing his official duties, or

1 in retaliation for the officer or fireman performing his  
2 official duties;

3 (2) Is hooded, robed or masked in such manner as to  
4 conceal his identity or any device manufactured and  
5 designed to be substantially similar in appearance to a  
6 firearm;

7 (3) Knows the individual assaulted to be a teacher or  
8 other person employed in any school and such teacher or  
9 other employee is upon the grounds of a school or grounds  
10 adjacent thereto, or is in any part of a building used for  
11 school purposes;

12 (4) Knows the individual assaulted to be a supervisor,  
13 director, instructor or other person employed in any park  
14 district and such supervisor, director, instructor or  
15 other employee is upon the grounds of the park or grounds  
16 adjacent thereto, or is in any part of a building used for  
17 park purposes;

18 (5) Knows the individual assaulted to be a caseworker,  
19 investigator, or other person employed by the Department of  
20 Healthcare and Family Services (formerly State Department  
21 of Public Aid), a County Department of Public Aid, or the  
22 Department of Human Services (acting as successor to the  
23 Illinois Department of Public Aid under the Department of  
24 Human Services Act) and such caseworker, investigator, or  
25 other person is upon the grounds of a public aid office or  
26 grounds adjacent thereto, or is in any part of a building

1 used for public aid purposes, or upon the grounds of a home  
2 of a public aid applicant, recipient or any other person  
3 being interviewed or investigated in the employee's  
4 ~~employees'~~ discharge of his duties, or on grounds adjacent  
5 thereto, or is in any part of a building in which the  
6 applicant, recipient, or other such person resides or is  
7 located;

8 (6) Knows the individual assaulted to be a peace  
9 officer, a community policing volunteer, a private  
10 security officer, or a fireman while the officer or fireman  
11 is engaged in the execution of any of his official duties,  
12 or to prevent the officer, community policing volunteer, or  
13 fireman from performing his official duties, or in  
14 retaliation for the officer, community policing volunteer,  
15 or fireman performing his official duties, and the assault  
16 is committed other than by the discharge of a firearm in  
17 the direction of the officer or fireman or in the direction  
18 of a vehicle occupied by the officer or fireman;

19 (7) Knows the individual assaulted to be an emergency  
20 medical technician - ambulance, emergency medical  
21 technician - intermediate, emergency medical technician -  
22 paramedic, ambulance driver or other medical assistance or  
23 first aid personnel engaged in the execution of any of his  
24 official duties, or to prevent the emergency medical  
25 technician - ambulance, emergency medical technician -  
26 intermediate, emergency medical technician - paramedic,

1 ambulance driver, or other medical assistance or first aid  
2 personnel from performing his official duties, or in  
3 retaliation for the emergency medical technician -  
4 ambulance, emergency medical technician - intermediate,  
5 emergency medical technician - paramedic, ambulance  
6 driver, or other medical assistance or first aid personnel  
7 performing his official duties;

8 (8) Knows the individual assaulted to be the driver,  
9 operator, employee or passenger of any transportation  
10 facility or system engaged in the business of  
11 transportation of the public for hire and the individual  
12 assaulted is then performing in such capacity or then using  
13 such public transportation as a passenger or using any area  
14 of any description designated by the transportation  
15 facility or system as a vehicle boarding, departure, or  
16 transfer location;

17 (9) Or the individual assaulted is on or about a public  
18 way, public property, or public place of accommodation or  
19 amusement;

20 (9.5) Is, or the individual assaulted is, in or about a  
21 publicly or privately owned sports or entertainment arena,  
22 stadium, community or convention hall, special event  
23 center, amusement facility, or a special event center in a  
24 public park during any 24-hour period when a professional  
25 sporting event, National Collegiate Athletic Association  
26 (NCAA)-sanctioned sporting event, United States Olympic

1 Committee-sanctioned sporting event, or International  
2 Olympic Committee-sanctioned sporting event is taking  
3 place in this venue;

4 (10) Knows the individual assaulted to be an employee  
5 of the State of Illinois, a municipal corporation therein  
6 or a political subdivision thereof, engaged in the  
7 performance of his authorized duties as such employee;

8 (11) Knowingly and without legal justification,  
9 commits an assault on a physically handicapped person;

10 (12) Knowingly and without legal justification,  
11 commits an assault on a person 60 years of age or older;

12 (13) Discharges a firearm, other than from a motor  
13 vehicle;

14 (13.5) Discharges a firearm from a motor vehicle;

15 (14) Knows the individual assaulted to be a  
16 correctional officer, while the officer is engaged in the  
17 execution of any of his or her official duties, or to  
18 prevent the officer from performing his or her official  
19 duties, or in retaliation for the officer performing his or  
20 her official duties;

21 (15) Knows the individual assaulted to be a  
22 correctional employee or an employee of the Department of  
23 Human Services supervising or controlling sexually  
24 dangerous persons or sexually violent persons, while the  
25 employee is engaged in the execution of any of his or her  
26 official duties, or to prevent the employee from performing

1 his or her official duties, or in retaliation for the  
2 employee performing his or her official duties, and the  
3 assault is committed other than by the discharge of a  
4 firearm in the direction of the employee or in the  
5 direction of a vehicle occupied by the employee;

6 (16) Knows the individual assaulted to be an employee  
7 of a police or sheriff's department, or a person who is  
8 employed by a municipality and whose duties include traffic  
9 control, engaged in the performance of his or her official  
10 duties as such employee;

11 (17) Knows the individual assaulted to be a sports  
12 official or coach at any level of competition and the act  
13 causing the assault to the sports official or coach  
14 occurred within an athletic facility or an indoor or  
15 outdoor playing field or within the immediate vicinity of  
16 the athletic facility or an indoor or outdoor playing field  
17 at which the sports official or coach was an active  
18 participant in the athletic contest held at the athletic  
19 facility. For the purposes of this paragraph (17), "sports  
20 official" means a person at an athletic contest who  
21 enforces the rules of the contest, such as an umpire or  
22 referee; and "coach" means a person recognized as a coach  
23 by the sanctioning authority that conducted the athletic  
24 contest;

25 (18) Knows the individual assaulted to be an emergency  
26 management worker, while the emergency management worker

1 is engaged in the execution of any of his or her official  
2 duties, or to prevent the emergency management worker from  
3 performing his or her official duties, or in retaliation  
4 for the emergency management worker performing his or her  
5 official duties, and the assault is committed other than by  
6 the discharge of a firearm in the direction of the  
7 emergency management worker or in the direction of a  
8 vehicle occupied by the emergency management worker; or

9 (19) Knows the individual assaulted to be a utility  
10 worker, while the utility worker is engaged in the  
11 execution of his or her duties, or to prevent the utility  
12 worker from performing his or her duties, or in retaliation  
13 for the utility worker performing his or her duties. In  
14 this paragraph (19), "utility worker" means a person  
15 employed by a public utility as defined in Section 3-105 of  
16 the Public Utilities Act and also includes an employee of a  
17 municipally owned utility, an employee of a cable  
18 television company, an employee of an electric cooperative  
19 as defined in Section 3-119 of the Public Utilities Act, an  
20 independent contractor or an employee of an independent  
21 contractor working on behalf of a cable television company,  
22 public utility, municipally owned utility, or an electric  
23 cooperative, or an employee of a telecommunications  
24 carrier as defined in Section 13-202 of the Public  
25 Utilities Act, an independent contractor or an employee of  
26 an independent contractor working on behalf of a

1 telecommunications carrier, or an employee of a telephone  
2 or telecommunications cooperative as defined in Section  
3 13-212 of the Public Utilities Act, or an independent  
4 contractor or an employee of an independent contractor  
5 working on behalf of a telephone or telecommunications  
6 cooperative.

7 (a-5) A person commits an aggravated assault when he or she  
8 knowingly and without lawful justification shines or flashes a  
9 laser gunsight or other laser device that is attached or  
10 affixed to a firearm, or used in concert with a firearm, so  
11 that the laser beam strikes near or in the immediate vicinity  
12 of any person.

13 (b) Sentence.

14 Aggravated assault as defined in paragraphs (1) through (5)  
15 and (8) through (12) and (17) and (19) of subsection (a) of  
16 this Section is a Class A misdemeanor. Aggravated assault as  
17 defined in paragraphs (13), (14), and (15) of subsection (a) of  
18 this Section and as defined in subsection (a-5) of this Section  
19 is a Class 4 felony. Aggravated assault as defined in  
20 paragraphs (6), (7), (16), and (18) of subsection (a) of this  
21 Section is a Class A misdemeanor if a firearm is not used in  
22 the commission of the assault. Aggravated assault as defined in  
23 paragraphs (6), (7), (16), and (18) of subsection (a) of this  
24 Section is a Class 4 felony if a firearm is used in the  
25 commission of the assault. Aggravated assault as defined in  
26 paragraph (13.5) of subsection (a) is a Class 3 felony.

1 (c) For the purposes of paragraphs (1) and (6) of  
2 subsection (a), "private security officer" means a registered  
3 employee of a private security contractor agency under the  
4 Private Detective, Private Alarm, Private Security,  
5 Fingerprint Vendor, and Locksmith Act of 2004.

6 (Source: P.A. 95-236, eff. 1-1-08; 95-292, eff. 8-20-07;  
7 95-331, eff. 8-21-07; 95-429, eff. 1-1-08; 95-591, eff.  
8 9-10-07; 95-876, eff. 8-21-08; 96-201, eff. 8-10-09; revised  
9 11-4-09.)

10 (720 ILCS 5/12-3.3)

11 Sec. 12-3.3. Aggravated domestic battery.

12 (a) A person who, in committing a domestic battery,  
13 intentionally or knowingly causes great bodily harm, or  
14 permanent disability or disfigurement commits aggravated  
15 domestic battery.

16 (a-5) A person who, in committing a domestic battery,  
17 strangles another individual commits aggravated domestic  
18 battery. For the purposes of this subsection (a-5), "strangle"  
19 means intentionally impeding the normal breathing or  
20 circulation of the blood of an individual by applying pressure  
21 on the throat or neck of that individual or by blocking the  
22 nose or mouth of that individual.

23 (b) Sentence. Aggravated domestic battery is a Class 2  
24 felony. Any order of probation or conditional discharge entered  
25 following a conviction for an offense under this Section must

1 include, in addition to any other condition of probation or  
2 conditional discharge, a condition that the offender serve a  
3 mandatory term of imprisonment of not less than 60 consecutive  
4 days. A person convicted of a second or subsequent violation of  
5 this Section must be sentenced to a mandatory term of  
6 imprisonment of not less than 3 years and not more than 7 years  
7 or an extended term of imprisonment of not less than 7 years  
8 and not more than 14 years.

9 (c) Upon conviction of aggravated domestic battery, the  
10 court shall advise the defendant orally or in writing,  
11 substantially as follows: "An individual convicted of  
12 aggravated domestic battery may be subject to federal criminal  
13 penalties for possessing, transporting, shipping, or receiving  
14 any firearm or ammunition in violation of the federal Gun  
15 Control Act of 1968 (18 U.S.C. 922(g)(8) and (9))." A notation  
16 shall be made in the court file that the admonition was given.  
17 (Source: P.A. 96-287, eff. 8-11-09; 96-363, eff. 8-13-09;  
18 revised 9-4-09.)

19 (720 ILCS 5/12-4)

20 Sec. 12-4. Aggravated Battery.

21 (a) A person who, in committing a battery, intentionally or  
22 knowingly causes great bodily harm, or permanent disability or  
23 disfigurement commits aggravated battery.

24 (b) In committing a battery, a person commits aggravated  
25 battery if he or she:

1           (1) Uses a deadly weapon other than by the discharge of  
2 a firearm, or uses an air rifle as defined in the Air Rifle  
3 Act;

4           (2) Is hooded, robed or masked, in such manner as to  
5 conceal his identity;

6           (3) Knows the individual harmed to be a teacher or  
7 other person employed in any school and such teacher or  
8 other employee is upon the grounds of a school or grounds  
9 adjacent thereto, or is in any part of a building used for  
10 school purposes;

11           (4) (Blank);

12           (5) (Blank);

13           (6) Knows the individual harmed to be a community  
14 policing volunteer while such volunteer is engaged in the  
15 execution of any official duties, or to prevent the  
16 volunteer from performing official duties, or in  
17 retaliation for the volunteer performing official duties,  
18 and the battery is committed other than by the discharge of  
19 a firearm;

20           (7) Knows the individual harmed to be an emergency  
21 medical technician - ambulance, emergency medical  
22 technician - intermediate, emergency medical technician -  
23 paramedic, ambulance driver, other medical assistance,  
24 first aid personnel, or hospital personnel engaged in the  
25 performance of any of his or her official duties, or to  
26 prevent the emergency medical technician - ambulance,

1 emergency medical technician - intermediate, emergency  
2 medical technician - paramedic, ambulance driver, other  
3 medical assistance, first aid personnel, or hospital  
4 personnel from performing official duties, or in  
5 retaliation for performing official duties;

6 (8) Is, or the person battered is, on or about a public  
7 way, public property or public place of accommodation or  
8 amusement;

9 (8.5) Is, or the person battered is, on a publicly or  
10 privately owned sports or entertainment arena, stadium,  
11 community or convention hall, special event center,  
12 amusement facility, or a special event center in a public  
13 park during any 24-hour period when a professional sporting  
14 event, National Collegiate Athletic Association  
15 (NCAA)-sanctioned sporting event, United States Olympic  
16 Committee-sanctioned sporting event, or International  
17 Olympic Committee-sanctioned sporting event is taking  
18 place in this venue;

19 (9) Knows the individual harmed to be the driver,  
20 operator, employee or passenger of any transportation  
21 facility or system engaged in the business of  
22 transportation of the public for hire and the individual  
23 assaulted is then performing in such capacity or then using  
24 such public transportation as a passenger or using any area  
25 of any description designated by the transportation  
26 facility or system as a vehicle boarding, departure, or

1 transfer location;

2 (10) Knows the individual harmed to be an individual of  
3 60 years of age or older;

4 (11) Knows the individual harmed is pregnant;

5 (12) Knows the individual harmed to be a judge whom the  
6 person intended to harm as a result of the judge's  
7 performance of his or her official duties as a judge;

8 (13) (Blank);

9 (14) Knows the individual harmed to be a person who is  
10 physically handicapped;

11 (15) Knowingly and without legal justification and by  
12 any means causes bodily harm to a merchant who detains the  
13 person for an alleged commission of retail theft under  
14 Section 16A-5 of this Code. In this item (15), "merchant"  
15 has the meaning ascribed to it in Section 16A-2.4 of this  
16 Code;

17 (16) Is, or the person battered is, in any building or  
18 other structure used to provide shelter or other services  
19 to victims or to the dependent children of victims of  
20 domestic violence pursuant to the Illinois Domestic  
21 Violence Act of 1986 or the Domestic Violence Shelters Act,  
22 or the person battered is within 500 feet of such a  
23 building or other structure while going to or from such a  
24 building or other structure. "Domestic violence" has the  
25 meaning ascribed to it in Section 103 of the Illinois  
26 Domestic Violence Act of 1986. "Building or other structure

1 used to provide shelter" has the meaning ascribed to  
2 "shelter" in Section 1 of the Domestic Violence Shelters  
3 Act;

4 (17) (Blank);

5 (18) Knows the individual harmed to be an officer or  
6 employee of the State of Illinois, a unit of local  
7 government, or school district engaged in the performance  
8 of his or her authorized duties as such officer or  
9 employee;

10 (19) Knows the individual harmed to be an emergency  
11 management worker engaged in the performance of any of his  
12 or her official duties, or to prevent the emergency  
13 management worker from performing official duties, or in  
14 retaliation for the emergency management worker performing  
15 official duties;

16 (20) Knows the individual harmed to be a private  
17 security officer engaged in the performance of any of his  
18 or her official duties, or to prevent the private security  
19 officer from performing official duties, or in retaliation  
20 for the private security officer performing official  
21 duties; or

22 (21) Knows the individual harmed to be a taxi driver  
23 and the battery is committed while the taxi driver is on  
24 duty; or

25 (22) Knows the individual harmed to be a utility  
26 worker, while the utility worker is engaged in the

1 execution of his or her duties, or to prevent the utility  
2 worker from performing his or her duties, or in retaliation  
3 for the utility worker performing his or her duties. In  
4 this paragraph (22), "utility worker" means a person  
5 employed by a public utility as defined in Section 3-105 of  
6 the Public Utilities Act and also includes an employee of a  
7 municipally owned utility, an employee of a cable  
8 television company, an employee of an electric cooperative  
9 as defined in Section 3-119 of the Public Utilities Act, an  
10 independent contractor or an employee of an independent  
11 contractor working on behalf of a cable television company,  
12 public utility, municipally owned utility, or an electric  
13 cooperative, or an employee of a telecommunications  
14 carrier as defined in Section 13-202 of the Public  
15 Utilities Act, an independent contractor or an employee of  
16 an independent contractor working on behalf of a  
17 telecommunications carrier, or an employee of a telephone  
18 or telecommunications cooperative as defined in Section  
19 13-212 of the Public Utilities Act, or an independent  
20 contractor or an employee of an independent contractor  
21 working on behalf of a telephone or telecommunications  
22 cooperative.

23 For the purpose of paragraph (14) of subsection (b) of this  
24 Section, a physically handicapped person is a person who  
25 suffers from a permanent and disabling physical  
26 characteristic, resulting from disease, injury, functional

1 disorder or congenital condition.

2 For the purpose of paragraph (20) of subsection (b) and  
3 subsection (e) of this Section, "private security officer"  
4 means a registered employee of a private security contractor  
5 agency under the Private Detective, Private Alarm, Private  
6 Security, Fingerprint Vendor, and Locksmith Act of 2004.

7 (c) A person who administers to an individual or causes him  
8 to take, without his consent or by threat or deception, and for  
9 other than medical purposes, any intoxicating, poisonous,  
10 stupefying, narcotic, anesthetic, or controlled substance  
11 commits aggravated battery.

12 (d) A person who knowingly gives to another person any food  
13 that contains any substance or object that is intended to cause  
14 physical injury if eaten, commits aggravated battery.

15 (d-3) A person commits aggravated battery when he or she  
16 knowingly and without lawful justification shines or flashes a  
17 laser gunsight or other laser device that is attached or  
18 affixed to a firearm, or used in concert with a firearm, so  
19 that the laser beam strikes upon or against the person of  
20 another.

21 (d-5) An inmate of a penal institution or a sexually  
22 dangerous person or a sexually violent person in the custody of  
23 the Department of Human Services who causes or attempts to  
24 cause a correctional employee of the penal institution or an  
25 employee of the Department of Human Services to come into  
26 contact with blood, seminal fluid, urine, or feces, by

1 throwing, tossing, or expelling that fluid or material commits  
2 aggravated battery. For purposes of this subsection (d-5),  
3 "correctional employee" means a person who is employed by a  
4 penal institution.

5 (d-6) A person commits aggravated battery when he or she,  
6 in committing a battery, strangles another individual. For the  
7 purposes of this subsection (d-6), "strangle" means  
8 intentionally impeding the normal breathing or circulation of  
9 the blood of an individual by applying pressure on the throat  
10 or neck of that individual or by blocking the nose or mouth of  
11 that individual.

12 (e) Sentence.

13 (1) Except as otherwise provided in paragraphs (2),  
14 (3), ~~and~~ (4), and (5) aggravated battery is a Class 3  
15 felony.

16 (2) Aggravated battery that does not cause great bodily  
17 harm or permanent disability or disfigurement is a Class 2  
18 felony when the person knows the individual harmed to be a  
19 peace officer, a community policing volunteer, a private  
20 security officer, a correctional institution employee, an  
21 employee of the Department of Human Services supervising or  
22 controlling sexually dangerous persons or sexually violent  
23 persons, or a fireman while such officer, volunteer,  
24 employee, or fireman is engaged in the execution of any  
25 official duties including arrest or attempted arrest, or to  
26 prevent the officer, volunteer, employee, or fireman from

1 performing official duties, or in retaliation for the  
2 officer, volunteer, employee, or fireman performing  
3 official duties, and the battery is committed other than by  
4 the discharge of a firearm.

5 (3) Aggravated battery that causes great bodily harm or  
6 permanent disability or disfigurement in violation of  
7 subsection (a) is a Class 1 felony when the person knows  
8 the individual harmed to be a peace officer, a community  
9 policing volunteer, a private security officer, a  
10 correctional institution employee, an employee of the  
11 Department of Human Services supervising or controlling  
12 sexually dangerous persons or sexually violent persons, or  
13 a fireman while such officer, volunteer, employee, or  
14 fireman is engaged in the execution of any official duties  
15 including arrest or attempted arrest, or to prevent the  
16 officer, volunteer, employee, or fireman from performing  
17 official duties, or in retaliation for the officer,  
18 volunteer, employee, or fireman performing official  
19 duties, and the battery is committed other than by the  
20 discharge of a firearm.

21 (4) Aggravated battery under subsection (d-5) is a  
22 Class 2 felony.

23 (5) Aggravated battery under subsection (d-6) is a  
24 Class 1 felony if:

25 (A) the person used or attempted to use a dangerous  
26 instrument while committing the offense; or

1 (B) the person caused great bodily harm or  
2 permanent disability or disfigurement to the other  
3 person while committing the offense; or

4 (C) the person has been previously convicted of a  
5 violation of subsection (d-6) under the laws of this  
6 State or laws similar to subsection (d-6) of any other  
7 state.

8 (6) ~~(5)~~ For purposes of this subsection (e), the term  
9 "firearm" shall have the meaning provided under Section 1.1  
10 of the Firearms Owners Identification Card Act, and shall  
11 not include an air rifle as defined by Section 1 of the Air  
12 Rifle Act.

13 (Source: P.A. 95-236, eff. 1-1-08; 95-256, eff. 1-1-08; 95-331,  
14 eff. 8-21-07; 95-429, eff. 1-1-08; 95-748, eff. 1-1-09; 95-876,  
15 eff. 8-21-08; 96-201, eff. 8-10-09; 96-363, eff. 8-13-09;  
16 revised 9-4-09.)

17 (720 ILCS 5/12-7.5)

18 Sec. 12-7.5. Cyberstalking.

19 (a) A person commits cyberstalking when he or she engages  
20 in a course of conduct using electronic communication directed  
21 at a specific person, and he or she knows or should know that  
22 would cause a reasonable person to:

23 (1) fear for his or her safety or the safety of a third  
24 person; or

25 (2) suffer other emotional distress.

1 (a-3) A person commits cyberstalking when he or she,  
2 knowingly and without lawful justification, on at least 2  
3 separate occasions, harasses another person through the use of  
4 electronic communication and:

5 (1) at any time transmits a threat of immediate or  
6 future bodily harm, sexual assault, confinement, or  
7 restraint and the threat is directed towards that person or  
8 a family member of that person; or

9 (2) places that person or a family member of that  
10 person in reasonable apprehension of immediate or future  
11 bodily harm, sexual assault, confinement, or restraint; or

12 (3) at any time knowingly solicits the commission of an  
13 act by any person which would be a violation of this Code  
14 directed towards that person or a family member of that  
15 person.

16 (a-5) A person commits cyberstalking when he or she,  
17 knowingly and without lawful justification, creates and  
18 maintains an Internet website or webpage which is accessible to  
19 one or more third parties for a period of at least 24 hours,  
20 and which contains statements harassing another person and:

21 (1) which communicates a threat of immediate or future  
22 bodily harm, sexual assault, confinement, or restraint,  
23 where the threat is directed towards that person or a  
24 family member of that person, or

25 (2) which places that person or a family member of that  
26 person in reasonable apprehension of immediate or future

1           bodily harm, sexual assault, confinement, or restraint, or

2           (3) which knowingly solicits the commission of an act  
3           by any person which would be a violation of this Code  
4           directed towards that person or a family member of that  
5           person.

6           (b) Sentence. Cyberstalking is a Class 4 felony. A second  
7           or subsequent conviction for cyberstalking is a Class 3 felony.

8           (c) For purposes of this Section:

9           (1) "Course of conduct" means 2 or more acts, including  
10           but not limited to acts in which a defendant directly,  
11           indirectly, or through third parties, by any action,  
12           method, device, or means follows, monitors, observes,  
13           surveils, threatens, or communicates to or about, a person,  
14           engages in other non-consensual contact, or interferes  
15           with or damages a person's property or pet. The  
16           incarceration in a penal institution of a person who  
17           commits the course of conduct is not a bar to prosecution  
18           under this Section.

19           (2) "Electronic communication" means any transfer of  
20           signs, signals, writings, sounds, data, or intelligence of  
21           any nature transmitted in whole or in part by a wire,  
22           radio, electromagnetic, photoelectric, or photo-optical  
23           system. "Electronic communication" includes transmissions  
24           by a computer through the Internet to another computer.

25           (3) "Emotional distress" means significant mental  
26           suffering, anxiety or alarm.

1           (4) "Harass" means to engage in a knowing and willful  
2 course of conduct directed at a specific person that  
3 alarms, torments, or terrorizes that person.

4           (5) "Non-consensual contact" means any contact with  
5 the victim that is initiated or continued without the  
6 victim's consent, including but not limited to being in the  
7 physical presence of the victim; appearing within the sight  
8 of the victim; approaching or confronting the victim in a  
9 public place or on private property; appearing at the  
10 workplace or residence of the victim; entering onto or  
11 remaining on property owned, leased, or occupied by the  
12 victim; or placing an object on, or delivering an object  
13 to, property owned, leased, or occupied by the victim.

14           (6) "Reasonable person" means a person in the victim's  
15 circumstances, with the victim's knowledge of the  
16 defendant and the defendant's prior acts.

17           (7) "Third party" means any person other than the  
18 person violating these provisions and the person or persons  
19 towards whom the violator's actions are directed.

20           (d) Telecommunications carriers, commercial mobile service  
21 providers, and providers of information services, including,  
22 but not limited to, Internet service providers and hosting  
23 service providers, are not liable under this Section, except  
24 for willful and wanton misconduct, by virtue of the  
25 transmission, storage, or caching of electronic communications  
26 or messages of others or by virtue of the provision of other

1 related telecommunications, commercial mobile services, or  
2 information services used by others in violation of this  
3 Section.

4 (Source: P.A. 95-849, eff. 1-1-09; 96-328, eff. 8-11-09;  
5 96-686, eff. 1-1-10; revised 10-20-09.)

6 (720 ILCS 5/14-3)

7 Sec. 14-3. Exemptions. The following activities shall be  
8 exempt from the provisions of this Article:

9 (a) Listening to radio, wireless and television  
10 communications of any sort where the same are publicly made;

11 (b) Hearing conversation when heard by employees of any  
12 common carrier by wire incidental to the normal course of their  
13 employment in the operation, maintenance or repair of the  
14 equipment of such common carrier by wire so long as no  
15 information obtained thereby is used or divulged by the hearer;

16 (c) Any broadcast by radio, television or otherwise whether  
17 it be a broadcast or recorded for the purpose of later  
18 broadcasts of any function where the public is in attendance  
19 and the conversations are overheard incidental to the main  
20 purpose for which such broadcasts are then being made;

21 (d) Recording or listening with the aid of any device to  
22 any emergency communication made in the normal course of  
23 operations by any federal, state or local law enforcement  
24 agency or institutions dealing in emergency services,  
25 including, but not limited to, hospitals, clinics, ambulance

1 services, fire fighting agencies, any public utility,  
2 emergency repair facility, civilian defense establishment or  
3 military installation;

4 (e) Recording the proceedings of any meeting required to be  
5 open by the Open Meetings Act, as amended;

6 (f) Recording or listening with the aid of any device to  
7 incoming telephone calls of phone lines publicly listed or  
8 advertised as consumer "hotlines" by manufacturers or  
9 retailers of food and drug products. Such recordings must be  
10 destroyed, erased or turned over to local law enforcement  
11 authorities within 24 hours from the time of such recording and  
12 shall not be otherwise disseminated. Failure on the part of the  
13 individual or business operating any such recording or  
14 listening device to comply with the requirements of this  
15 subsection shall eliminate any civil or criminal immunity  
16 conferred upon that individual or business by the operation of  
17 this Section;

18 (g) With prior notification to the State's Attorney of the  
19 county in which it is to occur, recording or listening with the  
20 aid of any device to any conversation where a law enforcement  
21 officer, or any person acting at the direction of law  
22 enforcement, is a party to the conversation and has consented  
23 to it being intercepted or recorded under circumstances where  
24 the use of the device is necessary for the protection of the  
25 law enforcement officer or any person acting at the direction  
26 of law enforcement, in the course of an investigation of a

1 forcible felony, a felony violation of the Illinois Controlled  
2 Substances Act, a felony violation of the Cannabis Control Act,  
3 a felony violation of the Methamphetamine Control and Community  
4 Protection Act, any "streetgang related" or "gang-related"  
5 felony as those terms are defined in the Illinois Streetgang  
6 Terrorism Omnibus Prevention Act, or any felony offense  
7 involving any weapon listed in paragraphs (1) through (11) of  
8 subsection (a) of Section 24-1 of this Code. Any recording or  
9 evidence derived as the result of this exemption shall be  
10 inadmissible in any proceeding, criminal, civil or  
11 administrative, except (i) where a party to the conversation  
12 suffers great bodily injury or is killed during such  
13 conversation, or (ii) when used as direct impeachment of a  
14 witness concerning matters contained in the interception or  
15 recording. The Director of the Department of State Police shall  
16 issue regulations as are necessary concerning the use of  
17 devices, retention of tape recordings, and reports regarding  
18 their use;

19 (g-5) With approval of the State's Attorney of the county  
20 in which it is to occur, recording or listening with the aid of  
21 any device to any conversation where a law enforcement officer,  
22 or any person acting at the direction of law enforcement, is a  
23 party to the conversation and has consented to it being  
24 intercepted or recorded in the course of an investigation of  
25 any offense defined in Article 29D of this Code. In all such  
26 cases, an application for an order approving the previous or

1 continuing use of an eavesdropping device must be made within  
2 48 hours of the commencement of such use. In the absence of  
3 such an order, or upon its denial, any continuing use shall  
4 immediately terminate. The Director of State Police shall issue  
5 rules as are necessary concerning the use of devices, retention  
6 of tape recordings, and reports regarding their use.

7 Any recording or evidence obtained or derived in the course  
8 of an investigation of any offense defined in Article 29D of  
9 this Code shall, upon motion of the State's Attorney or  
10 Attorney General prosecuting any violation of Article 29D, be  
11 reviewed in camera with notice to all parties present by the  
12 court presiding over the criminal case, and, if ruled by the  
13 court to be relevant and otherwise admissible, it shall be  
14 admissible at the trial of the criminal case.

15 This subsection (g-5) is inoperative on and after January  
16 1, 2005. No conversations recorded or monitored pursuant to  
17 this subsection (g-5) shall be inadmissible in a court of law  
18 by virtue of the repeal of this subsection (g-5) on January 1,  
19 2005;

20 (g-6) With approval of the State's Attorney of the county  
21 in which it is to occur, recording or listening with the aid of  
22 any device to any conversation where a law enforcement officer,  
23 or any person acting at the direction of law enforcement, is a  
24 party to the conversation and has consented to it being  
25 intercepted or recorded in the course of an investigation of  
26 child pornography, aggravated child pornography, indecent

1 solicitation of a child, child abduction, luring of a minor,  
2 sexual exploitation of a child, predatory criminal sexual  
3 assault of a child, aggravated criminal sexual abuse in which  
4 the victim of the offense was at the time of the commission of  
5 the offense under 18 years of age, criminal sexual abuse by  
6 force or threat of force in which the victim of the offense was  
7 at the time of the commission of the offense under 18 years of  
8 age, or aggravated criminal sexual assault in which the victim  
9 of the offense was at the time of the commission of the offense  
10 under 18 years of age. In all such cases, an application for an  
11 order approving the previous or continuing use of an  
12 eavesdropping device must be made within 48 hours of the  
13 commencement of such use. In the absence of such an order, or  
14 upon its denial, any continuing use shall immediately  
15 terminate. The Director of State Police shall issue rules as  
16 are necessary concerning the use of devices, retention of  
17 recordings, and reports regarding their use. Any recording or  
18 evidence obtained or derived in the course of an investigation  
19 of child pornography, aggravated child pornography, indecent  
20 solicitation of a child, child abduction, luring of a minor,  
21 sexual exploitation of a child, predatory criminal sexual  
22 assault of a child, aggravated criminal sexual abuse in which  
23 the victim of the offense was at the time of the commission of  
24 the offense under 18 years of age, criminal sexual abuse by  
25 force or threat of force in which the victim of the offense was  
26 at the time of the commission of the offense under 18 years of

1 age, or aggravated criminal sexual assault in which the victim  
2 of the offense was at the time of the commission of the offense  
3 under 18 years of age shall, upon motion of the State's  
4 Attorney or Attorney General prosecuting any case involving  
5 child pornography, aggravated child pornography, indecent  
6 solicitation of a child, child abduction, luring of a minor,  
7 sexual exploitation of a child, predatory criminal sexual  
8 assault of a child, aggravated criminal sexual abuse in which  
9 the victim of the offense was at the time of the commission of  
10 the offense under 18 years of age, criminal sexual abuse by  
11 force or threat of force in which the victim of the offense was  
12 at the time of the commission of the offense under 18 years of  
13 age, or aggravated criminal sexual assault in which the victim  
14 of the offense was at the time of the commission of the offense  
15 under 18 years of age, be reviewed in camera with notice to all  
16 parties present by the court presiding over the criminal case,  
17 and, if ruled by the court to be relevant and otherwise  
18 admissible, it shall be admissible at the trial of the criminal  
19 case. Absent such a ruling, any such recording or evidence  
20 shall not be admissible at the trial of the criminal case;

21 (h) Recordings made simultaneously with the use of an  
22 in-car video camera recording of an oral conversation between a  
23 uniformed peace officer, who has identified his or her office,  
24 and a person in the presence of the peace officer whenever (i)  
25 an officer assigned a patrol vehicle is conducting an  
26 enforcement stop; or (ii) patrol vehicle emergency lights are

1 activated or would otherwise be activated if not for the need  
2 to conceal the presence of law enforcement.

3 For the purposes of this subsection (h), "enforcement stop"  
4 means an action by a law enforcement officer in relation to  
5 enforcement and investigation duties, including but not  
6 limited to, traffic stops, pedestrian stops, abandoned vehicle  
7 contacts, motorist assists, commercial motor vehicle stops,  
8 roadside safety checks, requests for identification, or  
9 responses to requests for emergency assistance;

10 (h-5) Recordings of utterances made by a person while in  
11 the presence of a uniformed peace officer and while an occupant  
12 of a police vehicle including, but not limited to, (i)  
13 recordings made simultaneously with the use of an in-car video  
14 camera and (ii) recordings made in the presence of the peace  
15 officer utilizing video or audio systems, or both, authorized  
16 by the law enforcement agency;

17 (h-10) Recordings made simultaneously with a video camera  
18 recording during the use of a taser or similar weapon or device  
19 by a peace officer if the weapon or device is equipped with  
20 such camera;

21 (h-15) Recordings made under subsection (h), (h-5), or  
22 (h-10) shall be retained by the law enforcement agency that  
23 employs the peace officer who made the recordings for a storage  
24 period of 90 days, unless the recordings are made as a part of  
25 an arrest or the recordings are deemed evidence in any  
26 criminal, civil, or administrative proceeding and then the

1 recordings must only be destroyed upon a final disposition and  
2 an order from the court. Under no circumstances shall any  
3 recording be altered or erased prior to the expiration of the  
4 designated storage period. Upon completion of the storage  
5 period, the recording medium may be erased and reissued for  
6 operational use;

7 (i) Recording of a conversation made by or at the request  
8 of a person, not a law enforcement officer or agent of a law  
9 enforcement officer, who is a party to the conversation, under  
10 reasonable suspicion that another party to the conversation is  
11 committing, is about to commit, or has committed a criminal  
12 offense against the person or a member of his or her immediate  
13 household, and there is reason to believe that evidence of the  
14 criminal offense may be obtained by the recording;

15 (j) The use of a telephone monitoring device by either (1)  
16 a corporation or other business entity engaged in marketing or  
17 opinion research or (2) a corporation or other business entity  
18 engaged in telephone solicitation, as defined in this  
19 subsection, to record or listen to oral telephone solicitation  
20 conversations or marketing or opinion research conversations  
21 by an employee of the corporation or other business entity  
22 when:

23 (i) the monitoring is used for the purpose of service  
24 quality control of marketing or opinion research or  
25 telephone solicitation, the education or training of  
26 employees or contractors engaged in marketing or opinion

1 research or telephone solicitation, or internal research  
2 related to marketing or opinion research or telephone  
3 solicitation; and

4 (ii) the monitoring is used with the consent of at  
5 least one person who is an active party to the marketing or  
6 opinion research conversation or telephone solicitation  
7 conversation being monitored.

8 No communication or conversation or any part, portion, or  
9 aspect of the communication or conversation made, acquired, or  
10 obtained, directly or indirectly, under this exemption (j), may  
11 be, directly or indirectly, furnished to any law enforcement  
12 officer, agency, or official for any purpose or used in any  
13 inquiry or investigation, or used, directly or indirectly, in  
14 any administrative, judicial, or other proceeding, or divulged  
15 to any third party.

16 When recording or listening authorized by this subsection  
17 (j) on telephone lines used for marketing or opinion research  
18 or telephone solicitation purposes results in recording or  
19 listening to a conversation that does not relate to marketing  
20 or opinion research or telephone solicitation; the person  
21 recording or listening shall, immediately upon determining  
22 that the conversation does not relate to marketing or opinion  
23 research or telephone solicitation, terminate the recording or  
24 listening and destroy any such recording as soon as is  
25 practicable.

26 Business entities that use a telephone monitoring or

1 telephone recording system pursuant to this exemption (j) shall  
2 provide current and prospective employees with notice that the  
3 monitoring or recordings may occur during the course of their  
4 employment. The notice shall include prominent signage  
5 notification within the workplace.

6 Business entities that use a telephone monitoring or  
7 telephone recording system pursuant to this exemption (j) shall  
8 provide their employees or agents with access to personal-only  
9 telephone lines which may be pay telephones, that are not  
10 subject to telephone monitoring or telephone recording.

11 For the purposes of this subsection (j), "telephone  
12 solicitation" means a communication through the use of a  
13 telephone by live operators:

- 14 (i) soliciting the sale of goods or services;  
15 (ii) receiving orders for the sale of goods or  
16 services;  
17 (iii) assisting in the use of goods or services; or  
18 (iv) engaging in the solicitation, administration, or  
19 collection of bank or retail credit accounts.

20 For the purposes of this subsection (j), "marketing or  
21 opinion research" means a marketing or opinion research  
22 interview conducted by a live telephone interviewer engaged by  
23 a corporation or other business entity whose principal business  
24 is the design, conduct, and analysis of polls and surveys  
25 measuring the opinions, attitudes, and responses of  
26 respondents toward products and services, or social or

1 political issues, or both;

2 (k) Electronic recordings, including but not limited to, a  
3 motion picture, videotape, digital, or other visual or audio  
4 recording, made of a custodial interrogation of an individual  
5 at a police station or other place of detention by a law  
6 enforcement officer under Section 5-401.5 of the Juvenile Court  
7 Act of 1987 or Section 103-2.1 of the Code of Criminal  
8 Procedure of 1963;

9 (l) Recording the interview or statement of any person when  
10 the person knows that the interview is being conducted by a law  
11 enforcement officer or prosecutor and the interview takes place  
12 at a police station that is currently participating in the  
13 Custodial Interview Pilot Program established under the  
14 Illinois Criminal Justice Information Act;

15 (m) An electronic recording, including but not limited to,  
16 a motion picture, videotape, digital, or other visual or audio  
17 recording, made of the interior of a school bus while the  
18 school bus is being used in the transportation of students to  
19 and from school and school-sponsored activities, when the  
20 school board has adopted a policy authorizing such recording,  
21 notice of such recording policy is included in student  
22 handbooks and other documents including the policies of the  
23 school, notice of the policy regarding recording is provided to  
24 parents of students, and notice of such recording is clearly  
25 posted on the door of and inside the school bus.

26 Recordings made pursuant to this subsection (m) shall be

1 confidential records and may only be used by school officials  
2 (or their designees) and law enforcement personnel for  
3 investigations, school disciplinary actions and hearings,  
4 proceedings under the Juvenile Court Act of 1987, and criminal  
5 prosecutions, related to incidents occurring in or around the  
6 school bus;

7 (n) Recording or listening to an audio transmission from a  
8 microphone placed by a person under the authority of a law  
9 enforcement agency inside a bait car surveillance vehicle while  
10 simultaneously capturing a photographic or video image; and

11 (o) The use of an eavesdropping camera or audio device  
12 during an ongoing hostage or barricade situation by a law  
13 enforcement officer or individual acting on behalf of a law  
14 enforcement officer when the use of such device is necessary to  
15 protect the safety of the general public, hostages, or law  
16 enforcement officers or anyone acting on their behalf.

17 (Source: P.A. 95-258, eff. 1-1-08; 95-352, eff. 8-23-07;  
18 95-463, eff. 6-1-08; 95-876, eff. 8-21-08; 96-425, eff.  
19 8-13-09; 96-547, eff. 1-1-10; 96-643, eff. 1-1-10; 96-670, eff.  
20 8-25-09; revised 10-9-09.)

21 (720 ILCS 5/16-1) (from Ch. 38, par. 16-1)

22 Sec. 16-1. Theft.

23 (a) A person commits theft when he knowingly:

24 (1) Obtains or exerts unauthorized control over  
25 property of the owner; or

1           (2) Obtains by deception control over property of the  
2 owner; or

3           (3) Obtains by threat control over property of the  
4 owner; or

5           (4) Obtains control over stolen property knowing the  
6 property to have been stolen or under such circumstances as  
7 would reasonably induce him to believe that the property  
8 was stolen; or

9           (5) Obtains or exerts control over property in the  
10 custody of any law enforcement agency which is explicitly  
11 represented to him by any law enforcement officer or any  
12 individual acting in behalf of a law enforcement agency as  
13 being stolen, and

14                 (A) Intends to deprive the owner permanently of the  
15 use or benefit of the property; or

16                 (B) Knowingly uses, conceals or abandons the  
17 property in such manner as to deprive the owner  
18 permanently of such use or benefit; or

19                 (C) Uses, conceals, or abandons the property  
20 knowing such use, concealment or abandonment probably  
21 will deprive the owner permanently of such use or  
22 benefit.

23           (b) Sentence.

24           (1) Theft of property not from the person and not  
25 exceeding \$300 in value is a Class A misdemeanor.

26           (1.1) Theft of property not from the person and not

1 exceeding \$300 in value is a Class 4 felony if the theft  
2 was committed in a school or place of worship or if the  
3 theft was of governmental property.

4 (2) A person who has been convicted of theft of  
5 property not from the person and not exceeding \$300 in  
6 value who has been previously convicted of any type of  
7 theft, robbery, armed robbery, burglary, residential  
8 burglary, possession of burglary tools, home invasion,  
9 forgery, a violation of Section 4-103, 4-103.1, 4-103.2, or  
10 4-103.3 of the Illinois Vehicle Code relating to the  
11 possession of a stolen or converted motor vehicle, or a  
12 violation of Section 8 of the Illinois Credit Card and  
13 Debit Card Act is guilty of a Class 4 felony. When a person  
14 has any such prior conviction, the information or  
15 indictment charging that person shall state such prior  
16 conviction so as to give notice of the State's intention to  
17 treat the charge as a felony. The fact of such prior  
18 conviction is not an element of the offense and may not be  
19 disclosed to the jury during trial unless otherwise  
20 permitted by issues properly raised during such trial.

21 (3) (Blank).

22 (4) Theft of property from the person not exceeding  
23 \$300 in value, or theft of property exceeding \$300 and not  
24 exceeding \$10,000 in value, is a Class 3 felony.

25 (4.1) Theft of property from the person not exceeding  
26 \$300 in value, or theft of property exceeding \$300 and not

1 exceeding \$10,000 in value, is a Class 2 felony if the  
2 theft was committed in a school or place of worship or if  
3 the theft was of governmental property.

4 (5) Theft of property exceeding \$10,000 and not  
5 exceeding \$100,000 in value is a Class 2 felony.

6 (5.1) Theft of property exceeding \$10,000 and not  
7 exceeding \$100,000 in value is a Class 1 felony if the  
8 theft was committed in a school or place of worship or if  
9 the theft was of governmental property.

10 (6) Theft of property exceeding \$100,000 and not  
11 exceeding \$500,000 in value is a Class 1 felony.

12 (6.1) Theft of property exceeding \$100,000 in value is  
13 a Class X felony if the theft was committed in a school or  
14 place of worship or if the theft was of governmental  
15 property.

16 (6.2) Theft of property exceeding \$500,000 and not  
17 exceeding \$1,000,000 in value is a Class 1  
18 non-probationable felony.

19 (6.3) Theft of property exceeding \$1,000,000 in value  
20 is a Class X felony.

21 (7) Theft by deception, as described by paragraph (2)  
22 of subsection (a) of this Section, in which the offender  
23 obtained money or property valued at \$5,000 or more from a  
24 victim 60 years of age or older is a Class 2 felony.

25 (8) Theft by deception, as described by paragraph (2)  
26 of subsection (a) of this Section, in which the offender

1           falsely poses as a landlord or agent or employee of the  
2           landlord and obtains a rent payment or a security deposit  
3           from a tenant is a Class 3 felony if the rent payment or  
4           security deposit obtained does not exceed \$300.

5           (9) Theft by deception, as described by paragraph (2)  
6           of subsection (a) of this Section, in which the offender  
7           falsely poses as a landlord or agent or employee of the  
8           landlord and obtains a rent payment or a security deposit  
9           from a tenant is a Class 2 felony if the rent payment or  
10          security deposit obtained exceeds \$300 and does not exceed  
11          \$10,000.

12          (10) Theft by deception, as described by paragraph (2)  
13          of subsection (a) of this Section, in which the offender  
14          falsely poses as a landlord or agent or employee of the  
15          landlord and obtains a rent payment or a security deposit  
16          from a tenant is a Class 1 felony if the rent payment or  
17          security deposit obtained exceeds \$10,000 and does not  
18          exceed \$100,000.

19          (11) Theft by deception, as described by paragraph (2)  
20          of subsection (a) of this Section, in which the offender  
21          falsely poses as a landlord or agent or employee of the  
22          landlord and obtains a rent payment or a security deposit  
23          from a tenant is a Class X felony if the rent payment or  
24          security deposit obtained exceeds \$100,000.

25          (c) When a charge of theft of property exceeding a  
26          specified value is brought, the value of the property involved

1 is an element of the offense to be resolved by the trier of  
2 fact as either exceeding or not exceeding the specified value.  
3 (Source: P.A. 96-496, eff. 1-1-10; 96-534, eff. 8-14-09;  
4 revised 10-9-09.)

5 (720 ILCS 5/16D-2) (from Ch. 38, par. 16D-2)

6 Sec. 16D-2. Definitions. As used in this Article, unless  
7 the context otherwise indicates:

8 (a) "Computer" means a device that accepts, processes,  
9 stores, retrieves or outputs data, and includes but is not  
10 limited to auxiliary storage and telecommunications devices  
11 connected to computers.

12 (a-5) "Computer network" means a set of related, remotely  
13 connected devices and any communications facilities including  
14 more than one computer with the capability to transmit data  
15 among them through the communications facilities.

16 (b) "Computer program" or "program" means a series of coded  
17 instructions or statements in a form acceptable to a computer  
18 which causes the computer to process data and supply the  
19 results of the data processing.

20 (b-5) "Computer services" means computer time or services,  
21 including data processing services, Internet services,  
22 electronic mail services, electronic message services, or  
23 information or data stored in connection therewith.

24 (c) "Data" means a representation of information,  
25 knowledge, facts, concepts or instructions, including program

1 documentation, which is prepared in a formalized manner and is  
2 stored or processed in or transmitted by a computer. Data shall  
3 be considered property and may be in any form including but not  
4 limited to printouts, magnetic or optical storage media, punch  
5 cards or data stored internally in the memory of the computer.

6 (c-5) "Electronic mail service provider" means any person  
7 who (1) is an intermediary in sending or receiving electronic  
8 mail and (2) provides to end-users of electronic mail services  
9 the ability to send or receive electronic mail.

10 (d) In addition to its meaning as defined in Section 15-1  
11 of this Code, "property" means: (1) electronic impulses; (2)  
12 electronically produced data; (3) confidential, copyrighted,  
13 or proprietary information; (4) private identification codes  
14 or numbers which permit access to a computer by authorized  
15 computer users or generate billings to consumers for purchase  
16 of goods and services, including but not limited to credit card  
17 transactions and telecommunications services or permit  
18 electronic fund transfers; (5) software or programs in either  
19 machine or human readable form; or (6) any other tangible or  
20 intangible item relating to a computer or any part thereof.

21 (e) "Access" means to use, instruct, communicate with,  
22 store data in, retrieve or intercept data from, or otherwise  
23 utilize any services of a computer.

24 (f) "Services" includes but is not limited to computer  
25 time, data manipulation, or storage functions.

26 (g) "Vital services or operations" means those services or

1 operations required to provide, operate, maintain, and repair  
2 network cabling, transmission, distribution, or computer  
3 facilities necessary to ensure or protect the public health,  
4 safety, or welfare. Those services or operations ~~Public health,~~  
5 ~~safety, or welfare~~ include, but are not limited to, services  
6 provided by medical personnel or institutions, fire  
7 departments, emergency services agencies, national defense  
8 contractors, armed forces or militia personnel, private and  
9 public utility companies, or law enforcement agencies.

10 (h) "Social networking website" means an Internet website  
11 containing profile web pages of the members of the website that  
12 include the names or nicknames of such members, photographs  
13 placed on the profile web pages by such members, or any other  
14 personal or personally identifying information about such  
15 members and links to other profile web pages on social  
16 networking websites of friends or associates of such members  
17 that can be accessed by other members or visitors to the  
18 website. A social networking website provides members of or  
19 visitors to such website the ability to leave messages or  
20 comments on the profile web page that are visible to all or  
21 some visitors to the profile web page and may also include a  
22 form of electronic mail for members of the social networking  
23 website.

24 (Source: P.A. 96-262, eff. 1-1-10; revised 11-4-09.)

25 (720 ILCS 5/16D-3) (from Ch. 38, par. 16D-3)

1           Sec. 16D-3. Computer Tampering.

2           (a) A person commits the offense of computer tampering when  
3 he knowingly and without the authorization of a computer's  
4 owner, as defined in Section 15-2 of this Code, or in excess of  
5 the authority granted to him:

6           (1) Accesses or causes to be accessed a computer or any  
7 part thereof, a computer network, or a program or data;

8           (2) Accesses or causes to be accessed a computer or any  
9 part thereof, a computer network, or a program or data, and  
10 obtains data or services;

11           (3) Accesses or causes to be accessed a computer or any  
12 part thereof, a computer network, or a program or data, and  
13 damages or destroys the computer or alters, deletes or  
14 removes a computer program or data;

15           (4) Inserts or attempts to insert a "program" into a  
16 computer or computer program knowing or having reason to  
17 believe that such "program" contains information or  
18 commands that will or may damage or destroy that computer,  
19 or any other computer subsequently accessing or being  
20 accessed by that computer, or that will or may alter,  
21 delete or remove a computer program or data from that  
22 computer, or any other computer program or data in a  
23 computer subsequently accessing or being accessed by that  
24 computer, or that will or may cause loss to the users of  
25 that computer or the users of a computer which accesses or  
26 which is accessed by such "program"; or

1           (5) Falsifies or forges electronic mail transmission  
2 information or other routing information in any manner in  
3 connection with the transmission of unsolicited bulk  
4 electronic mail through or into the computer network of an  
5 electronic mail service provider or its subscribers.†

6           (a-5) It shall be unlawful for any person knowingly to  
7 sell, give, or otherwise distribute or possess with the intent  
8 to sell, give, or distribute software which (1) is primarily  
9 designed or produced for the purpose of facilitating or  
10 enabling the falsification of electronic mail transmission  
11 information or other routing information; (2) has only a  
12 limited commercially significant purpose or use other than to  
13 facilitate or enable the falsification of electronic mail  
14 transmission information or other routing information; or (3)  
15 is marketed by that person or another acting in concert with  
16 that person with that person's knowledge for use in  
17 facilitating or enabling the falsification of electronic mail  
18 transmission information or other routing information.

19           (a-10) For purposes of subsection (a), accessing a computer  
20 network is deemed to be with the authorization of a computer's  
21 owner if:

22           (1) the owner authorizes patrons, customers, or guests  
23 to access the computer network and the person accessing the  
24 computer network is an authorized patron, customer, or  
25 guest and complies with all terms or conditions for use of  
26 the computer network that are imposed by the owner; or

1           (2) the owner authorizes the public to access the  
2 computer network and the person accessing the computer  
3 network complies with all terms or conditions for use of  
4 the computer network that are imposed by the owner.

5           (b) Sentence.

6           (1) A person who commits the offense of computer  
7 tampering as set forth in subsection (a)(1), (a)(5), or  
8 (a-5) of this Section shall be guilty of a Class B  
9 misdemeanor.

10           (2) A person who commits the offense of computer  
11 tampering as set forth in subsection (a)(2) of this Section  
12 shall be guilty of a Class A misdemeanor and a Class 4  
13 felony for the second or subsequent offense.

14           (3) A person who commits the offense of computer  
15 tampering as set forth in subsection (a)(3) or subsection  
16 (a)(4) of this Section shall be guilty of a Class 4 felony  
17 and a Class 3 felony for the second or subsequent offense.

18           (4) If the injury arises from the transmission of  
19 unsolicited bulk electronic mail, the injured person,  
20 other than an electronic mail service provider, may also  
21 recover attorney's fees and costs, and may elect, in lieu  
22 of actual damages, to recover the lesser of \$10 for each  
23 and every unsolicited bulk electronic mail message  
24 transmitted in violation of this Section, or \$25,000 per  
25 day. The injured person shall not have a cause of action  
26 against the electronic mail service provider that merely

1 transmits the unsolicited bulk electronic mail over its  
2 computer network.

3 (5) If the injury arises from the transmission of  
4 unsolicited bulk electronic mail, an injured electronic  
5 mail service provider may also recover attorney's fees and  
6 costs, and may elect, in lieu of actual damages, to recover  
7 the greater of \$10 for each and every unsolicited  
8 electronic mail advertisement transmitted in violation of  
9 this Section, or \$25,000 per day.

10 (6) The provisions of this Section shall not be  
11 construed to limit any person's right to pursue any  
12 additional civil remedy otherwise allowed by law.

13 (c) Whoever suffers loss by reason of a violation of  
14 subsection (a)(4) of this Section may, in a civil action  
15 against the violator, obtain appropriate relief. In a civil  
16 action under this Section, the court may award to the  
17 prevailing party reasonable attorney's fees and other  
18 litigation expenses.

19 (Source: P.A. 95-326, eff. 1-1-08; revised 11-4-09.)

20 (720 ILCS 5/17-24)

21 Sec. 17-24. Fraudulent schemes and artifices.

22 (a) Fraud by wire, radio, or television.

23 (1) A person commits wire fraud when he or she:

24 (A) devises or intends to devise a scheme or  
25 artifice to defraud or to obtain money or property by

1 means of false pretenses, representations, or  
2 promises; and

3 (B) (i) transmits or causes to be transmitted from  
4 within this State; or

5 (ii) transmits or causes to be transmitted so  
6 that it is received by a person within this State;  
7 or

8 (iii) transmits or causes to be transmitted so  
9 that it is reasonably foreseeable that it will be  
10 accessed by a person within this State:

11 any writings, signals, pictures, sounds, or electronic or  
12 electric impulses by means of wire, radio, or television  
13 communications for the purpose of executing the scheme or  
14 artifice.

15 (2) A scheme or artifice to defraud using electronic  
16 transmissions is deemed to occur in the county from which a  
17 transmission is sent, if the transmission is sent from  
18 within this State, the county in which a person within this  
19 State receives the transmission, and the county in which a  
20 person who is within this State is located when the person  
21 accesses a transmission.

22 (3) Wire fraud is a Class 3 felony.

23 (b) Mail fraud.

24 (1) A person commits mail fraud when he or she:

25 (A) devises or intends to devise any scheme or  
26 artifice to defraud or to obtain money or property by

1 means of false or fraudulent pretenses,  
2 representations or promises, or to sell, dispose of,  
3 loan, exchange, alter, give away, distribute, supply,  
4 or furnish or procure for unlawful use any counterfeit  
5 obligation, security, or other article, or anything  
6 represented to be or intimated ~~intimidated~~ or held out  
7 to be such counterfeit or spurious article; and

8 (B) for the purpose of executing such scheme or  
9 artifice or attempting so to do, places in any post  
10 office or authorized depository for mail matter within  
11 this State, any matter or thing whatever to be  
12 delivered by the Postal Service, or deposits or causes  
13 to be deposited in this State by mail or by private or  
14 commercial carrier according to the direction on the  
15 matter or thing, or at the place at which it is  
16 directed to be delivered by the person to whom it is  
17 addressed, any such matter or thing.

18 (2) A scheme or artifice to defraud using a government  
19 or private carrier is deemed to occur in the county in  
20 which mail or other matter is deposited with the Postal  
21 Service or a private commercial carrier for delivery, if  
22 deposited with the Postal Service or a private or  
23 commercial carrier within this State and the county in  
24 which a person within this State receives the mail or other  
25 matter from the Postal Service or a private or commercial  
26 carrier.

1 (3) Mail fraud is a Class 3 felony.

2 (c) (Blank).

3 (d) The period of limitations for prosecution of any  
4 offense defined in this Section begins at the time when the  
5 last act in furtherance of the scheme or artifice is committed.

6 (e) In this Section:

7 (1) "Scheme or artifice to defraud" includes a scheme  
8 or artifice to deprive another of the intangible right to  
9 honest services.

10 (2) (Blank).

11 (Source: P.A. 92-16, eff. 6-28-01; 93-440, eff. 8-5-03; revised  
12 11-4-09.)

13 (720 ILCS 5/17-26)

14 Sec. 17-26. Misconduct by a corporate official.

15 (a) A person is guilty of a crime when:

16 (1) being a director of a corporation, he knowingly  
17 with a purpose to defraud, concurs in any vote or act of  
18 the directors of the corporation, or any of them, which has  
19 the purpose of:

20 (A) making a dividend except in the manner provided  
21 by law;

22 (B) dividing, withdrawing or in any manner paying  
23 any stockholder any part of the capital stock of the  
24 corporation except in the manner provided by law;

25 (C) discounting or receiving any note or other

1 evidence of debt in payment of an installment of  
2 capital stock actually called in and required to be  
3 paid, or with purpose of providing the means of making  
4 such payment;

5 (D) receiving or discounting any note or other  
6 evidence of debt with the purpose of enabling any  
7 stockholder to withdraw any part of the money paid in  
8 by him on his stock; or

9 (E) applying any portion of the funds of such  
10 corporation, directly or indirectly, to the purchase  
11 of shares of its own stock, except in the manner  
12 provided by law; or

13 (2) being a director or officer of a corporation, he,  
14 with purpose to defraud:

15 (A) issues, participates in issuing, or concurs in  
16 a vote to issue any increase of its capital stock  
17 beyond the amount of the capital stock thereof, duly  
18 authorized by or in pursuance of law;

19 (B) sells, or agrees to sell, or is directly  
20 interested in the sale of any share of stock of such  
21 corporation, or in any agreement to sell such stock,  
22 unless at the time of the sale or agreement he is an  
23 actual owner of such share, provided that the foregoing  
24 shall not apply to a sale by or on behalf of an  
25 underwriter or dealer in connection with a bona fide  
26 public offering of shares of stock of such corporation;

1 (C) executes a scheme or attempts to execute a  
2 scheme to obtain any share of stock of such corporation  
3 by means of false representation; or

4 (3) being a director or officer of a corporation, he  
5 with purpose to defraud or evade a financial disclosure  
6 reporting requirement of this State or of Section 13(A) or  
7 15(D) of the Securities Exchange Act of 1934, as amended,  
8 15 U. S. C. 78M(A) or 78O(D), ~~he~~:

9 (A) causes or attempts to cause a corporation or  
10 accounting firm representing the corporation or any  
11 other individual or entity to fail to file a financial  
12 disclosure report as required by State or federal law;  
13 or

14 (B) causes or attempts to cause a corporation or  
15 accounting firm representing the corporation or any  
16 other individual or entity to file a financial  
17 disclosure report, as required by State or federal law,  
18 that contains a material omission or misstatement of  
19 fact.

20 (b) If the benefit derived from a violation of this Section  
21 is \$500,000 or more, the offender is guilty of a Class 2  
22 felony. If the benefit derived from a violation of this Section  
23 is less than \$500,000, the offender is guilty of a Class 3  
24 felony.

25 (Source: P.A. 93-496, eff. 1-1-04; revised 11-4-09.)

1 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

2 Sec. 24-1. Unlawful Use of Weapons.

3 (a) A person commits the offense of unlawful use of weapons  
4 when he knowingly:

5 (1) Sells, manufactures, purchases, possesses or  
6 carries any bludgeon, black-jack, slung-shot, sand-club,  
7 sand-bag, metal knuckles or other knuckle weapon  
8 regardless of its composition, throwing star, or any knife,  
9 commonly referred to as a switchblade knife, which has a  
10 blade that opens automatically by hand pressure applied to  
11 a button, spring or other device in the handle of the  
12 knife, or a ballistic knife, which is a device that propels  
13 a knifelike blade as a projectile by means of a coil  
14 spring, elastic material or compressed gas; or

15 (2) Carries or possesses with intent to use the same  
16 unlawfully against another, a dagger, dirk, billy,  
17 dangerous knife, razor, stiletto, broken bottle or other  
18 piece of glass, stun gun or taser or any other dangerous or  
19 deadly weapon or instrument of like character; or

20 (3) Carries on or about his person or in any vehicle, a  
21 tear gas gun projector or bomb or any object containing  
22 noxious liquid gas or substance, other than an object  
23 containing a non-lethal noxious liquid gas or substance  
24 designed solely for personal defense carried by a person 18  
25 years of age or older; or

26 (4) Carries or possesses in any vehicle or concealed on

1 or about his person except when on his land or in his own  
2 abode, legal dwelling, or fixed place of business, or on  
3 the land or in the legal dwelling of another person as an  
4 invitee with that person's permission, any pistol,  
5 revolver, stun gun or taser or other firearm, except that  
6 this subsection (a) (4) does not apply to or affect  
7 transportation of weapons that meet one of the following  
8 conditions:

9 (i) are broken down in a non-functioning state; or

10 (ii) are not immediately accessible; or

11 (iii) are unloaded and enclosed in a case, firearm  
12 carrying box, shipping box, or other container by a  
13 person who has been issued a currently valid Firearm  
14 Owner's Identification Card; or

15 (5) Sets a spring gun; or

16 (6) Possesses any device or attachment of any kind  
17 designed, used or intended for use in silencing the report  
18 of any firearm; or

19 (7) Sells, manufactures, purchases, possesses or  
20 carries:

21 (i) a machine gun, which shall be defined for the  
22 purposes of this subsection as any weapon, which  
23 shoots, is designed to shoot, or can be readily  
24 restored to shoot, automatically more than one shot  
25 without manually reloading by a single function of the  
26 trigger, including the frame or receiver of any such

1            weapon, or sells, manufactures, purchases, possesses,  
2            or carries any combination of parts designed or  
3            intended for use in converting any weapon into a  
4            machine gun, or any combination or parts from which a  
5            machine gun can be assembled if such parts are in the  
6            possession or under the control of a person;

7            (ii) any rifle having one or more barrels less than  
8            16 inches in length or a shotgun having one or more  
9            barrels less than 18 inches in length or any weapon  
10           made from a rifle or shotgun, whether by alteration,  
11           modification, or otherwise, if such a weapon as  
12           modified has an overall length of less than 26 inches;  
13           or

14           (iii) any bomb, bomb-shell, grenade, bottle or  
15           other container containing an explosive substance of  
16           over one-quarter ounce for like purposes, such as, but  
17           not limited to, black powder bombs and Molotov  
18           cocktails or artillery projectiles; or

19           (8) Carries or possesses any firearm, stun gun or taser  
20           or other deadly weapon in any place which is licensed to  
21           sell intoxicating beverages, or at any public gathering  
22           held pursuant to a license issued by any governmental body  
23           or any public gathering at which an admission is charged,  
24           excluding a place where a showing, demonstration or lecture  
25           involving the exhibition of unloaded firearms is  
26           conducted.

1           This subsection (a) (8) does not apply to any auction or  
2 raffle of a firearm held pursuant to a license or permit  
3 issued by a governmental body, nor does it apply to persons  
4 engaged in firearm safety training courses; or

5           (9) Carries or possesses in a vehicle or on or about  
6 his person any pistol, revolver, stun gun or taser or  
7 firearm or ballistic knife, when he is hooded, robed or  
8 masked in such manner as to conceal his identity; or

9           (10) Carries or possesses on or about his person, upon  
10 any public street, alley, or other public lands within the  
11 corporate limits of a city, village or incorporated town,  
12 except when an invitee thereon or therein, for the purpose  
13 of the display of such weapon or the lawful commerce in  
14 weapons, or except when on his land or in his own abode,  
15 legal dwelling, or fixed place of business, or on the land  
16 or in the legal dwelling of another person as an invitee  
17 with that person's permission, any pistol, revolver, stun  
18 gun or taser or other firearm, except that this subsection  
19 (a) (10) does not apply to or affect transportation of  
20 weapons that meet one of the following conditions:

21           (i) are broken down in a non-functioning state; or

22           (ii) are not immediately accessible; or

23           (iii) are unloaded and enclosed in a case, firearm  
24 carrying box, shipping box, or other container by a  
25 person who has been issued a currently valid Firearm  
26 Owner's Identification Card.

1           A "stun gun or taser", as used in this paragraph (a)  
2 means (i) any device which is powered by electrical  
3 charging units, such as, batteries, and which fires one or  
4 several barbs attached to a length of wire and which, upon  
5 hitting a human, can send out a current capable of  
6 disrupting the person's nervous system in such a manner as  
7 to render him incapable of normal functioning or (ii) any  
8 device which is powered by electrical charging units, such  
9 as batteries, and which, upon contact with a human or  
10 clothing worn by a human, can send out current capable of  
11 disrupting the person's nervous system in such a manner as  
12 to render him incapable of normal functioning; or

13           (11) Sells, manufactures or purchases any explosive  
14 bullet. For purposes of this paragraph (a) "explosive  
15 bullet" means the projectile portion of an ammunition  
16 cartridge which contains or carries an explosive charge  
17 which will explode upon contact with the flesh of a human  
18 or an animal. "Cartridge" means a tubular metal case having  
19 a projectile affixed at the front thereof and a cap or  
20 primer at the rear end thereof, with the propellant  
21 contained in such tube between the projectile and the cap;  
22 or

23           (12) (Blank); or

24           (13) Carries or possesses on or about his or her person  
25 while in a building occupied by a unit of government, a  
26 billy club, other weapon of like character, or other

1 instrument of like character intended for use as a weapon.  
2 For the purposes of this Section, "billy club" means a  
3 short stick or club commonly carried by police officers  
4 which is either telescopic or constructed of a solid piece  
5 of wood or other man-made material.

6 (b) Sentence. A person convicted of a violation of  
7 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),  
8 subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a  
9 Class A misdemeanor. A person convicted of a violation of  
10 subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony; a  
11 person convicted of a violation of subsection 24-1(a)(6) or  
12 24-1(a)(7)(ii) or (iii) commits a Class 3 felony. A person  
13 convicted of a violation of subsection 24-1(a)(7)(i) commits a  
14 Class 2 felony and shall be sentenced to a term of imprisonment  
15 of not less than 3 years and not more than 7 years, unless the  
16 weapon is possessed in the passenger compartment of a motor  
17 vehicle as defined in Section 1-146 of the Illinois Vehicle  
18 Code, or on the person, while the weapon is loaded, in which  
19 case it shall be a Class X felony. A person convicted of a  
20 second or subsequent violation of subsection 24-1(a)(4),  
21 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a Class 3  
22 felony. The possession of each weapon in violation of this  
23 Section constitutes a single and separate violation.

24 (c) Violations in specific places.

25 (1) A person who violates subsection 24-1(a)(6) or  
26 24-1(a)(7) in any school, regardless of the time of day or

1 the time of year, in residential property owned, operated  
2 or managed by a public housing agency or leased by a public  
3 housing agency as part of a scattered site or mixed-income  
4 development, in a public park, in a courthouse, on the real  
5 property comprising any school, regardless of the time of  
6 day or the time of year, on residential property owned,  
7 operated or managed by a public housing agency or leased by  
8 a public housing agency as part of a scattered site or  
9 mixed-income development, on the real property comprising  
10 any public park, on the real property comprising any  
11 courthouse, in any conveyance owned, leased or contracted  
12 by a school to transport students to or from school or a  
13 school related activity, in any conveyance owned, leased,  
14 or contracted by a public transportation agency, or on any  
15 public way within 1,000 feet of the real property  
16 comprising any school, public park, courthouse, public  
17 transportation facility, or residential property owned,  
18 operated, or managed by a public housing agency or leased  
19 by a public housing agency as part of a scattered site or  
20 mixed-income development commits a Class 2 felony and shall  
21 be sentenced to a term of imprisonment of not less than 3  
22 years and not more than 7 years.

23 (1.5) A person who violates subsection 24-1(a)(4),  
24 24-1(a)(9), or 24-1(a)(10) in any school, regardless of the  
25 time of day or the time of year, in residential property  
26 owned, operated, or managed by a public housing agency or

1 leased by a public housing agency as part of a scattered  
2 site or mixed-income development, in a public park, in a  
3 courthouse, on the real property comprising any school,  
4 regardless of the time of day or the time of year, on  
5 residential property owned, operated, or managed by a  
6 public housing agency or leased by a public housing agency  
7 as part of a scattered site or mixed-income development, on  
8 the real property comprising any public park, on the real  
9 property comprising any courthouse, in any conveyance  
10 owned, leased, or contracted by a school to transport  
11 students to or from school or a school related activity, in  
12 any conveyance owned, leased, or contracted by a public  
13 transportation agency, or on any public way within 1,000  
14 feet of the real property comprising any school, public  
15 park, courthouse, public transportation facility, or  
16 residential property owned, operated, or managed by a  
17 public housing agency or leased by a public housing agency  
18 as part of a scattered site or mixed-income development  
19 commits a Class 3 felony.

20 (2) A person who violates subsection 24-1(a)(1),  
21 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the  
22 time of day or the time of year, in residential property  
23 owned, operated or managed by a public housing agency or  
24 leased by a public housing agency as part of a scattered  
25 site or mixed-income development, in a public park, in a  
26 courthouse, on the real property comprising any school,

1           regardless of the time of day or the time of year, on  
2           residential property owned, operated or managed by a public  
3           housing agency or leased by a public housing agency as part  
4           of a scattered site or mixed-income development, on the  
5           real property comprising any public park, on the real  
6           property comprising any courthouse, in any conveyance  
7           owned, leased or contracted by a school to transport  
8           students to or from school or a school related activity, in  
9           any conveyance owned, leased, or contracted by a public  
10          transportation agency, or on any public way within 1,000  
11          feet of the real property comprising any school, public  
12          park, courthouse, public transportation facility, or  
13          residential property owned, operated, or managed by a  
14          public housing agency or leased by a public housing agency  
15          as part of a scattered site or mixed-income development  
16          commits a Class 4 felony. "Courthouse" means any building  
17          that is used by the Circuit, Appellate, or Supreme Court of  
18          this State for the conduct of official business.

19           (3) Paragraphs (1), (1.5), and (2) of this subsection  
20          (c) shall not apply to law enforcement officers or security  
21          officers of such school, college, or university or to  
22          students carrying or possessing firearms for use in  
23          training courses, parades, hunting, target shooting on  
24          school ranges, or otherwise with the consent of school  
25          authorities and which firearms are transported unloaded  
26          enclosed in a suitable case, box, or transportation

1 package.

2 (4) For the purposes of this subsection (c), "school"  
3 means any public or private elementary or secondary school,  
4 community college, college, or university.

5 (5) For the purposes of this subsection (c), "public  
6 transportation agency" means a public or private agency  
7 that provides for the transportation or conveyance of  
8 persons by means available to the general public, except  
9 for transportation by automobiles not used for conveyance  
10 of the general public as passengers; and "public  
11 transportation facility" means a terminal or other place  
12 where one may obtain public transportation.

13 (d) The presence in an automobile other than a public  
14 omnibus of any weapon, instrument or substance referred to in  
15 subsection (a)(7) is prima facie evidence that it is in the  
16 possession of, and is being carried by, all persons occupying  
17 such automobile at the time such weapon, instrument or  
18 substance is found, except under the following circumstances:  
19 (i) if such weapon, instrument or instrumentality is found upon  
20 the person of one of the occupants therein; or (ii) if such  
21 weapon, instrument or substance is found in an automobile  
22 operated for hire by a duly licensed driver in the due, lawful  
23 and proper pursuit of his trade, then such presumption shall  
24 not apply to the driver.

25 (e) Exemptions. Crossbows, Common or Compound bows and  
26 Underwater Spearguns are exempted from the definition of

1 ballistic knife as defined in paragraph (1) of subsection (a)  
2 of this Section.

3 (Source: P.A. 95-331, eff. 8-21-07; 95-809, eff. 1-1-09;  
4 95-885, eff. 1-1-09; 96-41, eff. 1-1-10; 96-328, eff. 8-11-09;  
5 96-742, eff. 8-25-09; revised 10-9-09.)

6 (720 ILCS 5/24-2)

7 Sec. 24-2. Exemptions.

8 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and  
9 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of  
10 the following:

11 (1) Peace officers, and any person summoned by a peace  
12 officer to assist in making arrests or preserving the  
13 peace, while actually engaged in assisting such officer.

14 (2) Wardens, superintendents and keepers of prisons,  
15 penitentiaries, jails and other institutions for the  
16 detention of persons accused or convicted of an offense,  
17 while in the performance of their official duty, or while  
18 commuting between their homes and places of employment.

19 (3) Members of the Armed Services or Reserve Forces of  
20 the United States or the Illinois National Guard or the  
21 Reserve Officers Training Corps, while in the performance  
22 of their official duty.

23 (4) Special agents employed by a railroad or a public  
24 utility to perform police functions, and guards of armored  
25 car companies, while actually engaged in the performance of

1 the duties of their employment or commuting between their  
2 homes and places of employment; and watchmen while actually  
3 engaged in the performance of the duties of their  
4 employment.

5 (5) Persons licensed as private security contractors,  
6 private detectives, or private alarm contractors, or  
7 employed by an agency certified by the Department of  
8 Professional Regulation, if their duties include the  
9 carrying of a weapon under the provisions of the Private  
10 Detective, Private Alarm, Private Security, Fingerprint  
11 Vendor, and Locksmith Act of 2004, while actually engaged  
12 in the performance of the duties of their employment or  
13 commuting between their homes and places of employment,  
14 provided that such commuting is accomplished within one  
15 hour from departure from home or place of employment, as  
16 the case may be. Persons exempted under this subdivision  
17 (a)(5) shall be required to have completed a course of  
18 study in firearms handling and training approved and  
19 supervised by the Department of Professional Regulation as  
20 prescribed by Section 28 of the Private Detective, Private  
21 Alarm, Private Security, Fingerprint Vendor, and Locksmith  
22 Act of 2004, prior to becoming eligible for this exemption.  
23 The Department of Professional Regulation shall provide  
24 suitable documentation demonstrating the successful  
25 completion of the prescribed firearms training. Such  
26 documentation shall be carried at all times when such

1 persons are in possession of a concealable weapon.

2 (6) Any person regularly employed in a commercial or  
3 industrial operation as a security guard for the protection  
4 of persons employed and private property related to such  
5 commercial or industrial operation, while actually engaged  
6 in the performance of his or her duty or traveling between  
7 sites or properties belonging to the employer, and who, as  
8 a security guard, is a member of a security force of at  
9 least 5 persons registered with the Department of  
10 Professional Regulation; provided that such security guard  
11 has successfully completed a course of study, approved by  
12 and supervised by the Department of Professional  
13 Regulation, consisting of not less than 40 hours of  
14 training that includes the theory of law enforcement,  
15 liability for acts, and the handling of weapons. A person  
16 shall be considered eligible for this exemption if he or  
17 she has completed the required 20 hours of training for a  
18 security officer and 20 hours of required firearm training,  
19 and has been issued a firearm control card by the  
20 Department of Professional Regulation. Conditions for the  
21 renewal of firearm control cards issued under the  
22 provisions of this Section shall be the same as for those  
23 cards issued under the provisions of the Private Detective,  
24 Private Alarm, Private Security, Fingerprint Vendor, and  
25 Locksmith Act of 2004. Such firearm control card shall be  
26 carried by the security guard at all times when he or she

1 is in possession of a concealable weapon.

2 (7) Agents and investigators of the Illinois  
3 Legislative Investigating Commission authorized by the  
4 Commission to carry the weapons specified in subsections  
5 24-1(a)(3) and 24-1(a)(4), while on duty in the course of  
6 any investigation for the Commission.

7 (8) Persons employed by a financial institution for the  
8 protection of other employees and property related to such  
9 financial institution, while actually engaged in the  
10 performance of their duties, commuting between their homes  
11 and places of employment, or traveling between sites or  
12 properties owned or operated by such financial  
13 institution, provided that any person so employed has  
14 successfully completed a course of study, approved by and  
15 supervised by the Department of Professional Regulation,  
16 consisting of not less than 40 hours of training which  
17 includes theory of law enforcement, liability for acts, and  
18 the handling of weapons. A person shall be considered to be  
19 eligible for this exemption if he or she has completed the  
20 required 20 hours of training for a security officer and 20  
21 hours of required firearm training, and has been issued a  
22 firearm control card by the Department of Professional  
23 Regulation. Conditions for renewal of firearm control  
24 cards issued under the provisions of this Section shall be  
25 the same as for those issued under the provisions of the  
26 Private Detective, Private Alarm, Private Security,

1 Fingerprint Vendor, and Locksmith Act of 2004. Such firearm  
2 control card shall be carried by the person so trained at  
3 all times when such person is in possession of a  
4 concealable weapon. For purposes of this subsection,  
5 "financial institution" means a bank, savings and loan  
6 association, credit union or company providing armored car  
7 services.

8 (9) Any person employed by an armored car company to  
9 drive an armored car, while actually engaged in the  
10 performance of his duties.

11 (10) Persons who have been classified as peace officers  
12 pursuant to the Peace Officer Fire Investigation Act.

13 (11) Investigators of the Office of the State's  
14 Attorneys Appellate Prosecutor authorized by the board of  
15 governors of the Office of the State's Attorneys Appellate  
16 Prosecutor to carry weapons pursuant to Section 7.06 of the  
17 State's Attorneys Appellate Prosecutor's Act.

18 (12) Special investigators appointed by a State's  
19 Attorney under Section 3-9005 of the Counties Code.

20 (12.5) Probation officers while in the performance of  
21 their duties, or while commuting between their homes,  
22 places of employment or specific locations that are part of  
23 their assigned duties, with the consent of the chief judge  
24 of the circuit for which they are employed.

25 (13) Court Security Officers while in the performance  
26 of their official duties, or while commuting between their

1 homes and places of employment, with the consent of the  
2 Sheriff.

3 (13.5) A person employed as an armed security guard at  
4 a nuclear energy, storage, weapons or development site or  
5 facility regulated by the Nuclear Regulatory Commission  
6 who has completed the background screening and training  
7 mandated by the rules and regulations of the Nuclear  
8 Regulatory Commission.

9 (14) Manufacture, transportation, or sale of weapons  
10 to persons authorized under subdivisions (1) through  
11 (13.5) of this subsection to possess those weapons.

12 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section  
13 24-1.6 do not apply to or affect any of the following:

14 (1) Members of any club or organization organized for  
15 the purpose of practicing shooting at targets upon  
16 established target ranges, whether public or private, and  
17 patrons of such ranges, while such members or patrons are  
18 using their firearms on those target ranges.

19 (2) Duly authorized military or civil organizations  
20 while parading, with the special permission of the  
21 Governor.

22 (3) Hunters, trappers or fishermen with a license or  
23 permit while engaged in hunting, trapping or fishing.

24 (4) Transportation of weapons that are broken down in a  
25 non-functioning state or are not immediately accessible.

26 (5) Carrying or possessing any pistol, revolver, stun

1 gun or taser or other firearm on the land or in the legal  
2 dwelling of another person as an invitee with that person's  
3 permission.

4 (c) Subsection 24-1(a) (7) does not apply to or affect any  
5 of the following:

6 (1) Peace officers while in performance of their  
7 official duties.

8 (2) Wardens, superintendents and keepers of prisons,  
9 penitentiaries, jails and other institutions for the  
10 detention of persons accused or convicted of an offense.

11 (3) Members of the Armed Services or Reserve Forces of  
12 the United States or the Illinois National Guard, while in  
13 the performance of their official duty.

14 (4) Manufacture, transportation, or sale of machine  
15 guns to persons authorized under subdivisions (1) through  
16 (3) of this subsection to possess machine guns, if the  
17 machine guns are broken down in a non-functioning state or  
18 are not immediately accessible.

19 (5) Persons licensed under federal law to manufacture  
20 any weapon from which 8 or more shots or bullets can be  
21 discharged by a single function of the firing device, or  
22 ammunition for such weapons, and actually engaged in the  
23 business of manufacturing such weapons or ammunition, but  
24 only with respect to activities which are within the lawful  
25 scope of such business, such as the manufacture,  
26 transportation, or testing of such weapons or ammunition.

1 This exemption does not authorize the general private  
2 possession of any weapon from which 8 or more shots or  
3 bullets can be discharged by a single function of the  
4 firing device, but only such possession and activities as  
5 are within the lawful scope of a licensed manufacturing  
6 business described in this paragraph.

7 During transportation, such weapons shall be broken  
8 down in a non-functioning state or not immediately  
9 accessible.

10 (6) The manufacture, transport, testing, delivery,  
11 transfer or sale, and all lawful commercial or experimental  
12 activities necessary thereto, of rifles, shotguns, and  
13 weapons made from rifles or shotguns, or ammunition for  
14 such rifles, shotguns or weapons, where engaged in by a  
15 person operating as a contractor or subcontractor pursuant  
16 to a contract or subcontract for the development and supply  
17 of such rifles, shotguns, weapons or ammunition to the  
18 United States government or any branch of the Armed Forces  
19 of the United States, when such activities are necessary  
20 and incident to fulfilling the terms of such contract.

21 The exemption granted under this subdivision (c)(6)  
22 shall also apply to any authorized agent of any such  
23 contractor or subcontractor who is operating within the  
24 scope of his employment, where such activities involving  
25 such weapon, weapons or ammunition are necessary and  
26 incident to fulfilling the terms of such contract.

1           During transportation, any such weapon shall be broken  
2           down in a non-functioning state, or not immediately  
3           accessible.

4           (d) Subsection 24-1(a)(1) does not apply to the purchase,  
5           possession or carrying of a black-jack or slung-shot by a peace  
6           officer.

7           (e) Subsection 24-1(a)(8) does not apply to any owner,  
8           manager or authorized employee of any place specified in that  
9           subsection nor to any law enforcement officer.

10          (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and  
11          Section 24-1.6 do not apply to members of any club or  
12          organization organized for the purpose of practicing shooting  
13          at targets upon established target ranges, whether public or  
14          private, while using their firearms on those target ranges.

15          (g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not apply  
16          to:

17               (1) Members of the Armed Services or Reserve Forces of  
18               the United States or the Illinois National Guard, while in  
19               the performance of their official duty.

20               (2) Bonafide collectors of antique or surplus military  
21               ordinance.

22               (3) Laboratories having a department of forensic  
23               ballistics, or specializing in the development of  
24               ammunition or explosive ordinance.

25               (4) Commerce, preparation, assembly or possession of  
26               explosive bullets by manufacturers of ammunition licensed

1 by the federal government, in connection with the supply of  
2 those organizations and persons exempted by subdivision  
3 (g)(1) of this Section, or like organizations and persons  
4 outside this State, or the transportation of explosive  
5 bullets to any organization or person exempted in this  
6 Section by a common carrier or by a vehicle owned or leased  
7 by an exempted manufacturer.

8 (g-5) Subsection 24-1(a)(6) does not apply to or affect  
9 persons licensed under federal law to manufacture any device or  
10 attachment of any kind designed, used, or intended for use in  
11 silencing the report of any firearm, firearms, or ammunition  
12 for those firearms equipped with those devices, and actually  
13 engaged in the business of manufacturing those devices,  
14 firearms, or ammunition, but only with respect to activities  
15 that are within the lawful scope of that business, such as the  
16 manufacture, transportation, or testing of those devices,  
17 firearms, or ammunition. This exemption does not authorize the  
18 general private possession of any device or attachment of any  
19 kind designed, used, or intended for use in silencing the  
20 report of any firearm, but only such possession and activities  
21 as are within the lawful scope of a licensed manufacturing  
22 business described in this subsection (g-5). During  
23 transportation, those devices shall be detached from any weapon  
24 or not immediately accessible.

25 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section  
26 24-1.6 do not apply to or affect any parole agent or parole

1 supervisor who meets the qualifications and conditions  
2 prescribed in Section 3-14-1.5 of the Unified Code of  
3 Corrections.

4 (g-10) Subsections 24-1(a)(4), 24-1(a)(8), and  
5 24-1(a)(10), and Sections 24-1.6 and 24-3.1 do not apply to an  
6 athlete's possession, transport on official Olympic and  
7 Paralympic transit systems established for athletes, or use of  
8 competition firearms sanctioned by the International Olympic  
9 Committee, the International Paralympic Committee, the  
10 International Shooting Sport Federation, or USA Shooting in  
11 connection with such athlete's training for and participation  
12 in shooting competitions at the 2016 Olympic and Paralympic  
13 Games and sanctioned test events leading up to the 2016 Olympic  
14 and Paralympic Games.

15 (h) An information or indictment based upon a violation of  
16 any subsection of this Article need not negate any exemptions  
17 contained in this Article. The defendant shall have the burden  
18 of proving such an exemption.

19 (i) Nothing in this Article shall prohibit, apply to, or  
20 affect the transportation, carrying, or possession, of any  
21 pistol or revolver, stun gun, taser, or other firearm consigned  
22 to a common carrier operating under license of the State of  
23 Illinois or the federal government, where such transportation,  
24 carrying, or possession is incident to the lawful  
25 transportation in which such common carrier is engaged; and  
26 nothing in this Article shall prohibit, apply to, or affect the

1 transportation, carrying, or possession of any pistol,  
2 revolver, stun gun, taser, or other firearm, not the subject of  
3 and regulated by subsection 24-1(a)(7) or subsection 24-2(c) of  
4 this Article, which is unloaded and enclosed in a case, firearm  
5 carrying box, shipping box, or other container, by the  
6 possessor of a valid Firearm Owners Identification Card.

7 (Source: P.A. 95-331, eff. 8-21-07; 95-613, eff. 9-11-07;  
8 95-885, eff. 1-1-09; 96-7, eff. 4-3-09; 96-230, eff. 1-1-10;  
9 96-742, eff. 8-25-09; revised 10-9-09.)

10 (720 ILCS 5/25-5) (was 720 ILCS 5/25-1.1)

11 Sec. 25-5. Unlawful contact with streetgang members.

12 (a) A person commits the offense of unlawful contact with  
13 streetgang members when:

14 (1) he or she knowingly has direct or indirect contact  
15 with a streetgang member as defined in Section 10 of the  
16 Illinois Streetgang Terrorism Omnibus Prevention Act after  
17 having been sentenced to probation, conditional discharge,  
18 or supervision for a criminal offense with a condition of  
19 that sentence being to refrain from direct or indirect  
20 contact with a streetgang member or members;

21 (2) he or she knowingly has direct or indirect contact  
22 with a streetgang member as defined in Section 10 of the  
23 Illinois Streetgang Terrorism Omnibus Prevention Act after  
24 having been released on bond for any criminal offense with  
25 a condition of that bond being to refrain from direct or

1 indirect contact with a streetgang member or members;

2 (3) he ~~He~~ or she knowingly has direct or indirect  
3 contact with a streetgang member as defined in Section 10  
4 of the Illinois Streetgang Terrorism Omnibus Prevention  
5 Act after having been ordered by a judge in any  
6 non-criminal proceeding to refrain from direct or indirect  
7 contact with a streetgang member or members; or

8 (4) he ~~He~~ or she knowingly has direct or indirect  
9 contact with a streetgang member as defined in Section 10  
10 of the Streetgang Terrorism Omnibus Prevention Act after  
11 having been released from the Illinois Department of  
12 Corrections on a condition of parole or mandatory  
13 supervised release that he or she refrain from direct or  
14 indirect contact with a streetgang member or members.

15 (b) Unlawful contact with streetgang members is a Class A  
16 misdemeanor.

17 (c) This Section does not apply to a person when the only  
18 streetgang member or members he or she is with is a family or  
19 household member or members as defined in paragraph (3) of  
20 Section 112A-3 of the Code of Criminal Procedure of 1963 and  
21 the streetgang members are not engaged in any  
22 streetgang-related activity.

23 (Source: P.A. 96-710, eff. 1-1-10; incorporates P.A. 95-45,  
24 eff. 1-1-08; revised 1-7-10.)

25 (720 ILCS 5/26-1) (from Ch. 38, par. 26-1)

1 (Text of Section before amendment by P.A. 96-339)

2 Sec. 26-1. Elements of the Offense.

3 (a) A person commits disorderly conduct when he knowingly:

4 (1) Does any act in such unreasonable manner as to  
5 alarm or disturb another and to provoke a breach of the  
6 peace; or

7 (2) Transmits or causes to be transmitted in any manner  
8 to the fire department of any city, town, village or fire  
9 protection district a false alarm of fire, knowing at the  
10 time of such transmission that there is no reasonable  
11 ground for believing that such fire exists; or

12 (3) Transmits or causes to be transmitted in any manner  
13 to another a false alarm to the effect that a bomb or other  
14 explosive of any nature or a container holding poison gas,  
15 a deadly biological or chemical contaminant, or  
16 radioactive substance is concealed in such place that its  
17 explosion or release would endanger human life, knowing at  
18 the time of such transmission that there is no reasonable  
19 ground for believing that such bomb, explosive or a  
20 container holding poison gas, a deadly biological or  
21 chemical contaminant, or radioactive substance is  
22 concealed in such place; or

23 (4) Transmits or causes to be transmitted in any manner  
24 to any peace officer, public officer or public employee a  
25 report to the effect that an offense will be committed, is  
26 being committed, or has been committed, knowing at the time

1 of such transmission that there is no reasonable ground for  
2 believing that such an offense will be committed, is being  
3 committed, or has been committed; or

4 (5) Enters upon the property of another and for a lewd  
5 or unlawful purpose deliberately looks into a dwelling on  
6 the property through any window or other opening in it; or

7 (6) While acting as a collection agency as defined in  
8 the "Collection Agency Act" or as an employee of such  
9 collection agency, and while attempting to collect an  
10 alleged debt, makes a telephone call to the alleged debtor  
11 which is designed to harass, annoy or intimidate the  
12 alleged debtor; or

13 (7) Transmits or causes to be transmitted a false  
14 report to the Department of Children and Family Services  
15 under Section 4 of the "Abused and Neglected Child  
16 Reporting Act"; or

17 (8) Transmits or causes to be transmitted a false  
18 report to the Department of Public Health under the Nursing  
19 Home Care Act; or

20 (9) Transmits or causes to be transmitted in any manner  
21 to the police department or fire department of any  
22 municipality or fire protection district, or any privately  
23 owned and operated ambulance service, a false request for  
24 an ambulance, emergency medical technician-ambulance or  
25 emergency medical technician-paramedic knowing at the time  
26 there is no reasonable ground for believing that such

1 assistance is required; or

2 (10) Transmits or causes to be transmitted a false  
3 report under Article II of "An Act in relation to victims  
4 of violence and abuse", approved September 16, 1984, as  
5 amended; or

6 (11) Transmits or causes to be transmitted a false  
7 report to any public safety agency without the reasonable  
8 grounds necessary to believe that transmitting such a  
9 report is necessary for the safety and welfare of the  
10 public; or

11 (12) Calls the number "911" for the purpose of making  
12 or transmitting a false alarm or complaint and reporting  
13 information when, at the time the call or transmission is  
14 made, the person knows there is no reasonable ground for  
15 making the call or transmission and further knows that the  
16 call or transmission could result in the emergency response  
17 of any public safety agency; or

18 (13) Transmits or causes to be transmitted a threat of  
19 destruction of a school building or school property, or a  
20 threat of violence, death, or bodily harm directed against  
21 persons at a school, school function, or school event,  
22 whether or not school is in session.

23 (b) Sentence. A violation of subsection (a)(1) of this  
24 Section is a Class C misdemeanor. A violation of subsection  
25 (a)(5), (a)(11), or (a)(12) of this Section is a Class A  
26 misdemeanor. A violation of subsection (a)(8) or (a)(10) of

1 this Section is a Class B misdemeanor. A violation of  
2 subsection (a)(2), (a)(4), (a)(7), (a)(9), or (a)(13) of this  
3 Section is a Class 4 felony. A violation of subsection (a)(3)  
4 of this Section is a Class 3 felony, for which a fine of not  
5 less than \$3,000 and no more than \$10,000 shall be assessed in  
6 addition to any other penalty imposed.

7 A violation of subsection (a)(6) of this Section is a  
8 Business Offense and shall be punished by a fine not to exceed  
9 \$3,000. A second or subsequent violation of subsection (a)(7),  
10 (a)(11), or (a)(12) of this Section is a Class 4 felony. A  
11 third or subsequent violation of subsection (a)(5) of this  
12 Section is a Class 4 felony.

13 (c) In addition to any other sentence that may be imposed,  
14 a court shall order any person convicted of disorderly conduct  
15 to perform community service for not less than 30 and not more  
16 than 120 hours, if community service is available in the  
17 jurisdiction and is funded and approved by the county board of  
18 the county where the offense was committed. In addition,  
19 whenever any person is placed on supervision for an alleged  
20 offense under this Section, the supervision shall be  
21 conditioned upon the performance of the community service.

22 This subsection does not apply when the court imposes a  
23 sentence of incarceration.

24 (d) In addition to any other sentence that may be imposed,  
25 the court shall order any person convicted of disorderly  
26 conduct under paragraph (3) of subsection (a) involving a false

1 alarm of a threat that a bomb or explosive device has been  
2 placed in a school to reimburse the unit of government that  
3 employs the emergency response officer or officers that were  
4 dispatched to the school for the cost of the search for a bomb  
5 or explosive device. For the purposes of this Section,  
6 "emergency response" means any incident requiring a response by  
7 a police officer, a firefighter, a State Fire Marshal employee,  
8 or an ambulance.

9 (Source: P.A. 96-413, eff. 8-13-09; 96-772, eff. 1-1-10;  
10 revised 9-25-09.)

11 (Text of Section after amendment by P.A. 96-339)

12 Sec. 26-1. Elements of the Offense.

13 (a) A person commits disorderly conduct when he knowingly:

14 (1) Does any act in such unreasonable manner as to  
15 alarm or disturb another and to provoke a breach of the  
16 peace; or

17 (2) Transmits or causes to be transmitted in any manner  
18 to the fire department of any city, town, village or fire  
19 protection district a false alarm of fire, knowing at the  
20 time of such transmission that there is no reasonable  
21 ground for believing that such fire exists; or

22 (3) Transmits or causes to be transmitted in any manner  
23 to another a false alarm to the effect that a bomb or other  
24 explosive of any nature or a container holding poison gas,  
25 a deadly biological or chemical contaminant, or

1 radioactive substance is concealed in such place that its  
2 explosion or release would endanger human life, knowing at  
3 the time of such transmission that there is no reasonable  
4 ground for believing that such bomb, explosive or a  
5 container holding poison gas, a deadly biological or  
6 chemical contaminant, or radioactive substance is  
7 concealed in such place; or

8 (4) Transmits or causes to be transmitted in any manner  
9 to any peace officer, public officer or public employee a  
10 report to the effect that an offense will be committed, is  
11 being committed, or has been committed, knowing at the time  
12 of such transmission that there is no reasonable ground for  
13 believing that such an offense will be committed, is being  
14 committed, or has been committed; or

15 (5) Enters upon the property of another and for a lewd  
16 or unlawful purpose deliberately looks into a dwelling on  
17 the property through any window or other opening in it; or

18 (6) While acting as a collection agency as defined in  
19 the "Collection Agency Act" or as an employee of such  
20 collection agency, and while attempting to collect an  
21 alleged debt, makes a telephone call to the alleged debtor  
22 which is designed to harass, annoy or intimidate the  
23 alleged debtor; or

24 (7) Transmits or causes to be transmitted a false  
25 report to the Department of Children and Family Services  
26 under Section 4 of the "Abused and Neglected Child

1 Reporting Act"; or

2 (8) Transmits or causes to be transmitted a false  
3 report to the Department of Public Health under the Nursing  
4 Home Care Act or the MR/DD Community Care Act; or

5 (9) Transmits or causes to be transmitted in any manner  
6 to the police department or fire department of any  
7 municipality or fire protection district, or any privately  
8 owned and operated ambulance service, a false request for  
9 an ambulance, emergency medical technician-ambulance or  
10 emergency medical technician-paramedic knowing at the time  
11 there is no reasonable ground for believing that such  
12 assistance is required; or

13 (10) Transmits or causes to be transmitted a false  
14 report under Article II of "An Act in relation to victims  
15 of violence and abuse", approved September 16, 1984, as  
16 amended; or

17 (11) Transmits or causes to be transmitted a false  
18 report to any public safety agency without the reasonable  
19 grounds necessary to believe that transmitting such a  
20 report is necessary for the safety and welfare of the  
21 public; or

22 (12) Calls the number "911" for the purpose of making  
23 or transmitting a false alarm or complaint and reporting  
24 information when, at the time the call or transmission is  
25 made, the person knows there is no reasonable ground for  
26 making the call or transmission and further knows that the

1 call or transmission could result in the emergency response  
2 of any public safety agency; or

3 (13) Transmits or causes to be transmitted a threat of  
4 destruction of a school building or school property, or a  
5 threat of violence, death, or bodily harm directed against  
6 persons at a school, school function, or school event,  
7 whether or not school is in session.

8 (b) Sentence. A violation of subsection (a)(1) of this  
9 Section is a Class C misdemeanor. A violation of subsection  
10 (a)(5), (a)(11), or (a)(12) of this Section is a Class A  
11 misdemeanor. A violation of subsection (a)(8) or (a)(10) of  
12 this Section is a Class B misdemeanor. A violation of  
13 subsection (a)(2), (a)(4), (a)(7), (a)(9), or (a)(13) of this  
14 Section is a Class 4 felony. A violation of subsection (a)(3)  
15 of this Section is a Class 3 felony, for which a fine of not  
16 less than \$3,000 and no more than \$10,000 shall be assessed in  
17 addition to any other penalty imposed.

18 A violation of subsection (a)(6) of this Section is a  
19 Business Offense and shall be punished by a fine not to exceed  
20 \$3,000. A second or subsequent violation of subsection (a)(7),  
21 (a)(11), or (a)(12) of this Section is a Class 4 felony. A  
22 third or subsequent violation of subsection (a)(5) of this  
23 Section is a Class 4 felony.

24 (c) In addition to any other sentence that may be imposed,  
25 a court shall order any person convicted of disorderly conduct  
26 to perform community service for not less than 30 and not more

1 than 120 hours, if community service is available in the  
2 jurisdiction and is funded and approved by the county board of  
3 the county where the offense was committed. In addition,  
4 whenever any person is placed on supervision for an alleged  
5 offense under this Section, the supervision shall be  
6 conditioned upon the performance of the community service.

7 This subsection does not apply when the court imposes a  
8 sentence of incarceration.

9 (d) In addition to any other sentence that may be imposed,  
10 the court shall order any person convicted of disorderly  
11 conduct under paragraph (3) of subsection (a) involving a false  
12 alarm of a threat that a bomb or explosive device has been  
13 placed in a school to reimburse the unit of government that  
14 employs the emergency response officer or officers that were  
15 dispatched to the school for the cost of the search for a bomb  
16 or explosive device. For the purposes of this Section,  
17 "emergency response" means any incident requiring a response by  
18 a police officer, a firefighter, a State Fire Marshal employee,  
19 or an ambulance.

20 (Source: P.A. 96-339, eff. 7-1-10; 96-413, eff. 8-13-09;  
21 96-772, eff. 1-1-10; revised 9-25-09.)

22 (720 ILCS 5/26-5)

23 Sec. 26-5. Dog fighting. (For other provisions that may  
24 apply to dog fighting, see the Humane Care for Animals Act. For  
25 provisions similar to this Section that apply to animals other

1 than dogs, see in particular Section 4.01 of the Humane Care  
2 for Animals Act.)

3 (a) No person may own, capture, breed, train, or lease any  
4 dog which he or she knows is intended for use in any show,  
5 exhibition, program, or other activity featuring or otherwise  
6 involving a fight between the dog and any other animal or  
7 human, or the intentional killing of any dog for the purpose of  
8 sport, wagering, or entertainment.

9 (b) No person may promote, conduct, carry on, advertise,  
10 collect money for or in any other manner assist or aid in the  
11 presentation for purposes of sport, wagering, or entertainment  
12 of any show, exhibition, program, or other activity involving a  
13 fight between 2 or more dogs or any dog and human, or the  
14 intentional killing of any dog.

15 (c) No person may sell or offer for sale, ship, transport,  
16 or otherwise move, or deliver or receive any dog which he or  
17 she knows has been captured, bred, or trained, or will be used,  
18 to fight another dog or human or be intentionally killed for  
19 purposes of sport, wagering, or entertainment.

20 (c-5) No person may solicit a minor to violate this  
21 Section.

22 (d) No person may manufacture for sale, shipment,  
23 transportation, or delivery any device or equipment which he or  
24 she knows or should know is intended for use in any show,  
25 exhibition, program, or other activity featuring or otherwise  
26 involving a fight between 2 or more dogs, or any human and dog,

1 or the intentional killing of any dog for purposes of sport,  
2 wagering, or entertainment.

3 (e) No person may own, possess, sell or offer for sale,  
4 ship, transport, or otherwise move any equipment or device  
5 which he or she knows or should know is intended for use in  
6 connection with any show, exhibition, program, or activity  
7 featuring or otherwise involving a fight between 2 or more  
8 dogs, or any dog and human, or the intentional killing of any  
9 dog for purposes of sport, wagering or entertainment.

10 (f) No person may knowingly make available any site,  
11 structure, or facility, whether enclosed or not, that he or she  
12 knows is intended to be used for the purpose of conducting any  
13 show, exhibition, program, or other activity involving a fight  
14 between 2 or more dogs, or any dog and human, or the  
15 intentional killing of any dog or knowingly manufacture,  
16 distribute, or deliver fittings to be used in a fight between 2  
17 or more dogs or a dog and human.

18 (g) No person may knowingly attend or otherwise patronize  
19 any show, exhibition, program, or other activity featuring or  
20 otherwise involving a fight between 2 or more dogs, or any dog  
21 and human, or the intentional killing of any dog for purposes  
22 of sport, wagering, or entertainment.

23 (h) No person may tie or attach or fasten any live animal  
24 to any machine or device propelled by any power for the purpose  
25 of causing the animal to be pursued by a dog or dogs. This  
26 subsection (h) applies only when the dog is intended to be used

1 in a dog fight.

2 (i) Penalties for violations of this Section shall be as  
3 follows:

4 (1) Any person convicted of violating subsection (a),  
5 (b), or (c) of this Section is guilty of a Class 4 felony  
6 for a first violation and a Class 3 felony for a second or  
7 subsequent violation, and may be fined an amount not to  
8 exceed \$50,000.

9 (1.5) A person who knowingly owns a dog for fighting  
10 purposes or for producing a fight between 2 or more dogs or  
11 a dog and human or who knowingly offers for sale or sells a  
12 dog bred for fighting is guilty of a Class 3 felony and may  
13 be fined an amount not to exceed \$50,000, if the dog  
14 participates in a dogfight and any of the following factors  
15 is present:

16 (i) the dogfight is performed in the presence of a  
17 person under 18 years of age;

18 (ii) the dogfight is performed for the purpose of  
19 or in the presence of illegal wagering activity; or

20 (iii) the dogfight is performed in furtherance of  
21 streetgang related activity as defined in Section 10 of  
22 the Illinois Streetgang Terrorism Omnibus Prevention  
23 Act.

24 (1.7) A person convicted of violating subsection (c-5)  
25 of this Section is guilty of a Class 4 felony.

26 (2) Any person convicted of violating subsection (d) or

1 (e) of this Section is guilty of a Class 4 felony for a  
2 first violation. A second or subsequent violation of  
3 subsection (d) or (e) of this Section is a Class 3 felony.

4 (2.5) Any person convicted of violating subsection (f)  
5 of this Section is guilty of a Class 4 felony.

6 (3) Any person convicted of violating subsection (g) of  
7 this Section is guilty of a Class 4 felony for a first  
8 violation. A second or subsequent violation of subsection  
9 (g) of this Section is a Class 3 felony. If a person under  
10 13 years of age is present at any show, exhibition,  
11 program, or other activity prohibited in subsection (g),  
12 the parent, legal guardian, or other person who is 18 years  
13 of age or older who brings that person under 13 years of  
14 age to that show, exhibition, program, or other activity is  
15 guilty of a Class 4 felony for a first violation and a  
16 Class 3 felony for a second or subsequent violation.

17 (i-5) A person who commits a felony violation of this  
18 Section is subject to the property forfeiture provisions set  
19 forth in Article 124B of the Code of Criminal Procedure of  
20 1963.

21 (j) Any dog or equipment involved in a violation of this  
22 Section shall be immediately seized and impounded under Section  
23 12 of the Humane Care for Animals Act when located at any show,  
24 exhibition, program, or other activity featuring or otherwise  
25 involving a dog fight for the purposes of sport, wagering, or  
26 entertainment.

1           (k) Any vehicle or conveyance other than a common carrier  
2 that is used in violation of this Section shall be seized,  
3 held, and offered for sale at public auction by the sheriff's  
4 department of the proper jurisdiction, and the proceeds from  
5 the sale shall be remitted to the general fund of the county  
6 where the violation took place.

7           (l) Any veterinarian in this State who is presented with a  
8 dog for treatment of injuries or wounds resulting from fighting  
9 where there is a reasonable possibility that the dog was  
10 engaged in or utilized for a fighting event for the purposes of  
11 sport, wagering, or entertainment shall file a report with the  
12 Department of Agriculture and cooperate by furnishing the  
13 owners' names, dates, and descriptions of the dog or dogs  
14 involved. Any veterinarian who in good faith complies with the  
15 requirements of this subsection has immunity from any  
16 liability, civil, criminal, or otherwise, that may result from  
17 his or her actions. For the purposes of any proceedings, civil  
18 or criminal, the good faith of the veterinarian shall be  
19 rebuttably presumed.

20           (m) In addition to any other penalty provided by law, upon  
21 conviction for violating this Section, the court may order that  
22 the convicted person and persons dwelling in the same household  
23 as the convicted person who conspired, aided, or abetted in the  
24 unlawful act that was the basis of the conviction, or who knew  
25 or should have known of the unlawful act, may not own, harbor,  
26 or have custody or control of any dog or other animal for a

1 period of time that the court deems reasonable.

2 (n) A violation of subsection (a) of this Section may be  
3 inferred from evidence that the accused possessed any device or  
4 equipment described in subsection (d), (e), or (h) of this  
5 Section, and also possessed any dog.

6 (o) When no longer required for investigations or court  
7 proceedings relating to the events described or depicted  
8 therein, evidence relating to convictions for violations of  
9 this Section shall be retained and made available for use in  
10 training peace officers in detecting and identifying  
11 violations of this Section. Such evidence shall be made  
12 available upon request to other law enforcement agencies and to  
13 schools certified under the Illinois Police Training Act.

14 (Source: P.A. 96-226, eff. 8-11-09; 96-712, eff. 1-1-10;  
15 revised 10-1-09.)

16 (720 ILCS 5/29B-1) (from Ch. 38, par. 29B-1)

17 Sec. 29B-1. (a) A person commits the offense of money  
18 laundering:

19 (1) when, knowing that the property involved in a  
20 financial transaction represents the proceeds of some form  
21 of unlawful activity, he or she conducts or attempts to  
22 conduct such a financial transaction which in fact involves  
23 criminally derived property:

24 (A) with the intent to promote the carrying on of  
25 the unlawful activity from which the criminally

1 derived property was obtained; or

2 (B) where he or she knows or reasonably should know  
3 that the financial transaction is designed in whole or  
4 in part:

5 (i) to conceal or disguise the nature, the  
6 location, the source, the ownership or the control  
7 of the criminally derived property; or

8 (ii) to avoid a transaction reporting  
9 requirement under State law; or

10 (1.5) when he or she transports, transmits, or  
11 transfers, or attempts to transport, transmit, or transfer  
12 a monetary instrument:

13 (A) with the intent to promote the carrying on of  
14 the unlawful activity from which the criminally  
15 derived property was obtained; or

16 (B) knowing, or having reason to know, that the  
17 financial transaction is designed in whole or in part:

18 (i) to conceal or disguise the nature, the  
19 location, the source, the ownership or the control  
20 of the criminally derived property; or

21 (ii) to avoid a transaction reporting  
22 requirement under State law; or

23 (2) when, with the intent to:

24 (A) promote the carrying on of a specified criminal  
25 activity as defined in this Article; or

26 (B) conceal or disguise the nature, location,

1 source, ownership, or control of property believed to  
2 be the proceeds of a specified criminal activity as  
3 defined by subdivision (b) (6); or

4 (C) avoid a transaction reporting requirement  
5 under State law,

6 he or she conducts or attempts to conduct a financial  
7 transaction involving property he or she believes to be the  
8 proceeds of specified criminal activity as defined by  
9 subdivision (b) (6) or property used to conduct or  
10 facilitate specified criminal activity as defined by  
11 subdivision (b) (6).

12 (b) As used in this Section:

13 (0.5) "Knowing that the property involved in a  
14 financial transaction represents the proceeds of some form  
15 of unlawful activity" means that the person knew the  
16 property involved in the transaction represented proceeds  
17 from some form, though not necessarily which form, of  
18 activity that constitutes a felony under State, federal, or  
19 foreign law.

20 (1) "Financial transaction" means a purchase, sale,  
21 loan, pledge, gift, transfer, delivery or other  
22 disposition utilizing criminally derived property, and  
23 with respect to financial institutions, includes a  
24 deposit, withdrawal, transfer between accounts, exchange  
25 of currency, loan, extension of credit, purchase or sale of  
26 any stock, bond, certificate of deposit or other monetary

1 instrument, use of safe deposit box, or any other payment,  
2 transfer or delivery by, through, or to a financial  
3 institution. For purposes of clause (a) (2) of this Section,  
4 the term "financial transaction" also means a transaction  
5 which without regard to whether the funds, monetary  
6 instruments, or real or personal property involved in the  
7 transaction are criminally derived, any transaction which  
8 in any way or degree: (1) involves the movement of funds by  
9 wire or any other means; (2) involves one or more monetary  
10 instruments; or (3) the transfer of title to any real or  
11 personal property. The receipt by an attorney of bona fide  
12 fees for the purpose of legal representation is not a  
13 financial transaction for purposes of this Section.

14 (2) "Financial institution" means any bank; saving and  
15 loan association; trust company; agency or branch of a  
16 foreign bank in the United States; currency exchange;  
17 credit union, mortgage banking institution; pawnbroker;  
18 loan or finance company; operator of a credit card system;  
19 issuer, redeemer or cashier of travelers checks, checks or  
20 money orders; dealer in precious metals, stones or jewels;  
21 broker or dealer in securities or commodities; investment  
22 banker; or investment company.

23 (3) "Monetary instrument" means United States coins  
24 and currency; coins and currency of a foreign country;  
25 travelers checks; personal checks, bank checks, and money  
26 orders; investment securities; bearer negotiable

1 instruments; bearer investment securities; or bearer  
2 securities and certificates of stock in such form that  
3 title thereto passes upon delivery.

4 (4) "Criminally derived property" means: (A) any  
5 property, real or personal, constituting or derived from  
6 proceeds obtained, directly or indirectly, from activity  
7 that constitutes a felony under State, federal, or foreign  
8 law; or (B) any property represented to be property  
9 constituting or derived from proceeds obtained, directly  
10 or indirectly, from activity that constitutes a felony  
11 under State, federal, or foreign law.

12 (5) "Conduct" or "conducts" includes, in addition to  
13 its ordinary meaning, initiating, concluding, or  
14 participating in initiating or concluding a transaction.

15 (6) "Specified criminal activity" means any violation  
16 of Section 29D-15.1 (720 ILCS 5/29D-15.1) and any violation  
17 of Article 29D of this Code.

18 (7) "Director" means the Director of State Police or  
19 his or her designated agents.

20 (8) "Department" means the Department of State Police  
21 of the State of Illinois or its successor agency.

22 (9) "Transaction reporting requirement under State  
23 law" means any violation as defined under the Currency  
24 Reporting Act.

25 (c) Sentence.

26 (1) Laundering of criminally derived property of a

1 value not exceeding \$10,000 is a Class 3 felony;

2 (2) Laundering of criminally derived property of a  
3 value exceeding \$10,000 but not exceeding \$100,000 is a  
4 Class 2 felony;

5 (3) Laundering of criminally derived property of a  
6 value exceeding \$100,000 but not exceeding \$500,000 is a  
7 Class 1 felony;

8 (4) Money laundering in violation of subsection (a) (2)  
9 of this Section is a Class X felony;

10 (5) Laundering of criminally derived property of a  
11 value exceeding \$500,000 is a Class 1 non-probationable  
12 felony;

13 (6) In a prosecution under clause (a) (1.5) (B) (ii) of  
14 this Section, the sentences are as follows:

15 (A) Laundering of property of a value not exceeding  
16 \$10,000 is a Class 3 felony;

17 (B) Laundering of property of a value exceeding  
18 \$10,000 but not exceeding \$100,000 is a Class 2 felony;

19 (C) Laundering of property of a value exceeding  
20 \$100,000 but not exceeding \$500,000 is a Class 1  
21 felony;

22 (D) Laundering of property of a value exceeding  
23 \$500,000 is a Class 1 non-probationable felony.

24 (d) Evidence. In a prosecution under this Article, either  
25 party may introduce the following evidence pertaining to the  
26 issue of whether the property or proceeds were known to be some

1 form of criminally derived property or from some form of  
2 unlawful activity:

3 (1) A financial transaction was conducted or  
4 structured or attempted in violation of the reporting  
5 requirements of any State or federal law; or

6 (2) A financial transaction was conducted or attempted  
7 with the use of a false or fictitious name or a forged  
8 instrument; or

9 (3) A falsely altered or completed written instrument  
10 or a written instrument that contains any materially false  
11 personal identifying information was made, used, offered  
12 or presented, whether accepted or not, in connection with a  
13 financial transaction; or

14 (4) A financial transaction was structured or  
15 attempted to be structured so as to falsely report the  
16 actual consideration or value of the transaction; or

17 (5) A money transmitter, a person engaged in a trade or  
18 business or any employee of a money transmitter or a person  
19 engaged in a trade or business, knows or reasonably should  
20 know that false personal identifying information has been  
21 presented and incorporates the false personal identifying  
22 information into any report or record; or

23 (6) The criminally derived property is transported or  
24 possessed in a fashion inconsistent with the ordinary or  
25 usual means of transportation or possession of such  
26 property and where the property is discovered in the

1 absence of any documentation or other indicia of legitimate  
2 origin or right to such property; or

3 (7) A person pays or receives substantially less than  
4 face value for one or more monetary instruments; or

5 (8) A person engages in a transaction involving one or  
6 more monetary instruments, where the physical condition or  
7 form of the monetary instrument or instruments makes it  
8 apparent that they are not the product of bona fide  
9 business or financial transactions.

10 (e) Duty to enforce this Article.

11 (1) It is the duty of the Department of State Police,  
12 and its agents, officers, and investigators, to enforce all  
13 provisions of this Article, except those specifically  
14 delegated, and to cooperate with all agencies charged with  
15 the enforcement of the laws of the United States, or of any  
16 state, relating to money laundering. Only an agent,  
17 officer, or investigator designated by the Director may be  
18 authorized in accordance with this Section to serve seizure  
19 notices, warrants, subpoenas, and summonses under the  
20 authority of this State.

21 (2) Any agent, officer, investigator, or peace officer  
22 designated by the Director may: (A) make seizure of  
23 property pursuant to the provisions of this Article; and  
24 (B) perform such other law enforcement duties as the  
25 Director designates. It is the duty of all State's  
26 Attorneys to prosecute violations of this Article and

1 institute legal proceedings as authorized under this  
2 Article.

3 (f) Protective orders.

4 (1) Upon application of the State, the court may enter  
5 a restraining order or injunction, require the execution of  
6 a satisfactory performance bond, or take any other action  
7 to preserve the availability of property described in  
8 subsection (h) for forfeiture under this Article:

9 (A) upon the filing of an indictment, information,  
10 or complaint charging a violation of this Article for  
11 which forfeiture may be ordered under this Article and  
12 alleging that the property with respect to which the  
13 order is sought would be subject to forfeiture under  
14 this Article; or

15 (B) prior to the filing of such an indictment,  
16 information, or complaint, if, after notice to persons  
17 appearing to have an interest in the property and  
18 opportunity for a hearing, the court determines that:

19 (i) there is probable cause to believe that the  
20 State will prevail on the issue of forfeiture and  
21 that failure to enter the order will result in the  
22 property being destroyed, removed from the  
23 jurisdiction of the court, or otherwise made  
24 unavailable for forfeiture; and

25 (ii) the need to preserve the availability of  
26 the property through the entry of the requested

1           order outweighs the hardship on any party against  
2           whom the order is to be entered.

3           Provided, however, that an order entered pursuant  
4           to subparagraph (B) shall be effective for not more  
5           than 90 days, unless extended by the court for good  
6           cause shown or unless an indictment, information,  
7           complaint, or administrative notice has been filed.

8           (2) A temporary restraining order under this  
9           subsection may be entered upon application of the State  
10          without notice or opportunity for a hearing when an  
11          indictment, information, complaint, or administrative  
12          notice has not yet been filed with respect to the property,  
13          if the State demonstrates that there is probable cause to  
14          believe that the property with respect to which the order  
15          is sought would be subject to forfeiture under this Section  
16          and that provision of notice will jeopardize the  
17          availability of the property for forfeiture. Such a  
18          temporary order shall expire not more than 30 days after  
19          the date on which it is entered, unless extended for good  
20          cause shown or unless the party against whom it is entered  
21          consents to an extension for a longer period. A hearing  
22          requested concerning an order entered under this paragraph  
23          shall be held at the earliest possible time and prior to  
24          the expiration of the temporary order.

25          (3) The court may receive and consider, at a hearing  
26          held pursuant to this subsection (f), evidence and

1 information that would be inadmissible under the Illinois  
2 rules of evidence.

3 (4) Order to repatriate and deposit.

4 (A) In general. Pursuant to its authority to enter  
5 a pretrial restraining order under this Section, the  
6 court may order a defendant to repatriate any property  
7 that may be seized and forfeited and to deposit that  
8 property pending trial with the Illinois State Police  
9 or another law enforcement agency designated by the  
10 Illinois State Police.

11 (B) Failure to comply. Failure to comply with an  
12 order under this subsection (f) is punishable as a  
13 civil or criminal contempt of court.

14 (g) Warrant of seizure. The State may request the issuance  
15 of a warrant authorizing the seizure of property described in  
16 subsection (h) in the same manner as provided for a search  
17 warrant. If the court determines that there is probable cause  
18 to believe that the property to be seized would be subject to  
19 forfeiture, the court shall issue a warrant authorizing the  
20 seizure of such property.

21 (h) Forfeiture.

22 (1) The following are subject to forfeiture:

23 (A) any property, real or personal, constituting,  
24 derived from, or traceable to any proceeds the person  
25 obtained directly or indirectly, as a result of a  
26 violation of this Article;

1 (B) any of the person's property used, or intended  
2 to be used, in any manner or part, to commit, or to  
3 facilitate the commission of, a violation of this  
4 Article;

5 (C) all conveyances, including aircraft, vehicles  
6 or vessels, which are used, or intended for use, to  
7 transport, or in any manner to facilitate the  
8 transportation, sale, receipt, possession, or  
9 concealment of property described in subparagraphs (A)  
10 and (B), but:

11 (i) no conveyance used by any person as a  
12 common carrier in the transaction of business as a  
13 common carrier is subject to forfeiture under this  
14 Section unless it appears that the owner or other  
15 person in charge of the conveyance is a consenting  
16 party or privy to a violation of this Article;

17 (ii) no conveyance is subject to forfeiture  
18 under this Section by reason of any act or omission  
19 which the owner proves to have been committed or  
20 omitted without his or her knowledge or consent;

21 (iii) a forfeiture of a conveyance encumbered  
22 by a bona fide security interest is subject to the  
23 interest of the secured party if he or she neither  
24 had knowledge of nor consented to the act or  
25 omission;

26 (D) all real property, including any right, title,

1           and interest (including, but not limited to, any  
2           leasehold interest or the beneficial interest in a land  
3           trust) in the whole of any lot or tract of land and any  
4           appurtenances or improvements, which is used or  
5           intended to be used, in any manner or part, to commit,  
6           or in any manner to facilitate the commission of, any  
7           violation of this Article or that is the proceeds of  
8           any violation or act that constitutes a violation of  
9           this Article.

10           (2) Property subject to forfeiture under this Article  
11           may be seized by the Director or any peace officer upon  
12           process or seizure warrant issued by any court having  
13           jurisdiction over the property. Seizure by the Director or  
14           any peace officer without process may be made:

15                   (A) if the seizure is incident to a seizure  
16                   warrant;

17                   (B) if the property subject to seizure has been the  
18                   subject of a prior judgment in favor of the State in a  
19                   criminal proceeding, or in an injunction or forfeiture  
20                   proceeding based upon this Article;

21                   (C) if there is probable cause to believe that the  
22                   property is directly or indirectly dangerous to health  
23                   or safety;

24                   (D) if there is probable cause to believe that the  
25                   property is subject to forfeiture under this Article  
26                   and the property is seized under circumstances in which

1 a warrantless seizure or arrest would be reasonable; or  
2 (E) in accordance with the Code of Criminal  
3 Procedure of 1963.

4 (3) In the event of seizure pursuant to paragraph (2),  
5 forfeiture proceedings shall be instituted in accordance  
6 with subsections (i) through (r).

7 (4) Property taken or detained under this Section shall  
8 not be subject to replevin, but is deemed to be in the  
9 custody of the Director subject only to the order and  
10 judgments of the circuit court having jurisdiction over the  
11 forfeiture proceedings and the decisions of the State's  
12 Attorney under this Article. When property is seized under  
13 this Article, the seizing agency shall promptly conduct an  
14 inventory of the seized property and estimate the  
15 property's value and shall forward a copy of the inventory  
16 of seized property and the estimate of the property's value  
17 to the Director. Upon receiving notice of seizure, the  
18 Director may:

19 (A) place the property under seal;

20 (B) remove the property to a place designated by  
21 the Director;

22 (C) keep the property in the possession of the  
23 seizing agency;

24 (D) remove the property to a storage area for  
25 safekeeping or, if the property is a negotiable  
26 instrument or money and is not needed for evidentiary

1           purposes, deposit it in an interest bearing account;

2           (E) place the property under constructive seizure  
3           by posting notice of pending forfeiture on it, by  
4           giving notice of pending forfeiture to its owners and  
5           interest holders, or by filing notice of pending  
6           forfeiture in any appropriate public record relating  
7           to the property; or

8           (F) provide for another agency or custodian,  
9           including an owner, secured party, or lienholder, to  
10          take custody of the property upon the terms and  
11          conditions set by the Director.

12          (5) When property is forfeited under this Article, the  
13          Director shall sell all such property unless such property  
14          is required by law to be destroyed or is harmful to the  
15          public, and shall distribute the proceeds of the sale,  
16          together with any moneys forfeited or seized, in accordance  
17          with paragraph (6). However, upon the application of the  
18          seizing agency or prosecutor who was responsible for the  
19          investigation, arrest or arrests and prosecution which  
20          lead to the forfeiture, the Director may return any item of  
21          forfeited property to the seizing agency or prosecutor for  
22          official use in the enforcement of laws, if the agency or  
23          prosecutor can demonstrate that the item requested would be  
24          useful to the agency or prosecutor in its enforcement  
25          efforts. When any real property returned to the seizing  
26          agency is sold by the agency or its unit of government, the

1 proceeds of the sale shall be delivered to the Director and  
2 distributed in accordance with paragraph (6).

3 (6) All monies and the sale proceeds of all other  
4 property forfeited and seized under this Article shall be  
5 distributed as follows:

6 (A) 65% shall be distributed to the metropolitan  
7 enforcement group, local, municipal, county, or State  
8 law enforcement agency or agencies which conducted or  
9 participated in the investigation resulting in the  
10 forfeiture. The distribution shall bear a reasonable  
11 relationship to the degree of direct participation of  
12 the law enforcement agency in the effort resulting in  
13 the forfeiture, taking into account the total value of  
14 the property forfeited and the total law enforcement  
15 effort with respect to the violation of the law upon  
16 which the forfeiture is based. Amounts distributed to  
17 the agency or agencies shall be used for the  
18 enforcement of laws.

19 (B) (i) 12.5% shall be distributed to the Office of  
20 the State's Attorney of the county in which the  
21 prosecution resulting in the forfeiture was  
22 instituted, deposited in a special fund in the county  
23 treasury and appropriated to the State's Attorney for  
24 use in the enforcement of laws. In counties over  
25 3,000,000 population, 25% shall be distributed to the  
26 Office of the State's Attorney for use in the

1 enforcement of laws. If the prosecution is undertaken  
2 solely by the Attorney General, the portion provided  
3 hereunder shall be distributed to the Attorney General  
4 for use in the enforcement of laws.

5 (ii) 12.5% shall be distributed to the Office  
6 of the State's Attorneys Appellate Prosecutor and  
7 deposited in the Narcotics Profit Forfeiture Fund  
8 of that office to be used for additional expenses  
9 incurred in the investigation, prosecution and  
10 appeal of cases arising under laws. The Office of  
11 the State's Attorneys Appellate Prosecutor shall  
12 not receive distribution from cases brought in  
13 counties with over 3,000,000 population.

14 (C) 10% shall be retained by the Department of  
15 State Police for expenses related to the  
16 administration and sale of seized and forfeited  
17 property.

18 (i) Notice to owner or interest holder.

19 (1) Whenever notice of pending forfeiture or service of  
20 an in rem complaint is required under the provisions of  
21 this Article, such notice or service shall be given as  
22 follows:

23 (A) If the owner's or interest holder's name and  
24 current address are known, then by either personal  
25 service or mailing a copy of the notice by certified  
26 mail, return receipt requested, to that address. For

1 purposes of notice under this Section, if a person has  
2 been arrested for the conduct giving rise to the  
3 forfeiture, then the address provided to the arresting  
4 agency at the time of arrest shall be deemed to be that  
5 person's known address. Provided, however, if an owner  
6 or interest holder's address changes prior to the  
7 effective date of the notice of pending forfeiture, the  
8 owner or interest holder shall promptly notify the  
9 seizing agency of the change in address or, if the  
10 owner or interest holder's address changes subsequent  
11 to the effective date of the notice of pending  
12 forfeiture, the owner or interest holder shall  
13 promptly notify the State's Attorney of the change in  
14 address; or

15 (B) If the property seized is a conveyance, to the  
16 address reflected in the office of the agency or  
17 official in which title or interest to the conveyance  
18 is required by law to be recorded, then by mailing a  
19 copy of the notice by certified mail, return receipt  
20 requested, to that address; or

21 (C) If the owner's or interest holder's address is  
22 not known, and is not on record as provided in  
23 paragraph (B), then by publication for 3 successive  
24 weeks in a newspaper of general circulation in the  
25 county in which the seizure occurred.

26 (2) Notice served under this Article is effective upon

1 personal service, the last date of publication, or the  
2 mailing of written notice, whichever is earlier.

3 (j) Notice to State's Attorney. The law enforcement agency  
4 seizing property for forfeiture under this Article shall,  
5 within 90 days after seizure, notify the State's Attorney for  
6 the county, either where an act or omission giving rise to the  
7 forfeiture occurred or where the property was seized, of the  
8 seizure of the property and the facts and circumstances giving  
9 rise to the seizure and shall provide the State's Attorney with  
10 the inventory of the property and its estimated value. When the  
11 property seized for forfeiture is a vehicle, the law  
12 enforcement agency seizing the property shall immediately  
13 notify the Secretary of State that forfeiture proceedings are  
14 pending regarding such vehicle.

15 (k) Non-judicial forfeiture. If non-real property that  
16 exceeds \$20,000 in value excluding the value of any conveyance,  
17 or if real property is seized under the provisions of this  
18 Article, the State's Attorney shall institute judicial in rem  
19 forfeiture proceedings as described in subsection (l) of this  
20 Section within 45 days from receipt of notice of seizure from  
21 the seizing agency under subsection (j) of this Section.  
22 However, if non-real property that does not exceed \$20,000 in  
23 value excluding the value of any conveyance is seized, the  
24 following procedure shall be used:

25 (1) If, after review of the facts surrounding the  
26 seizure, the State's Attorney is of the opinion that the

1 seized property is subject to forfeiture, then within 45  
2 days after the receipt of notice of seizure from the  
3 seizing agency, the State's Attorney shall cause notice of  
4 pending forfeiture to be given to the owner of the property  
5 and all known interest holders of the property in  
6 accordance with subsection (i) of this Section.

7 (2) The notice of pending forfeiture must include a  
8 description of the property, the estimated value of the  
9 property, the date and place of seizure, the conduct giving  
10 rise to forfeiture or the violation of law alleged, and a  
11 summary of procedures and procedural rights applicable to  
12 the forfeiture action.

13 (3) (A) Any person claiming an interest in property  
14 which is the subject of notice under paragraph (1) of this  
15 subsection (k), must, in order to preserve any rights or  
16 claims to the property, within 45 days after the effective  
17 date of notice as described in subsection (i) of this  
18 Section, file a verified claim with the State's Attorney  
19 expressing his or her interest in the property. The claim  
20 must set forth:

21 (i) the caption of the proceedings as set forth on  
22 the notice of pending forfeiture and the name of the  
23 claimant;

24 (ii) the address at which the claimant will accept  
25 mail;

26 (iii) the nature and extent of the claimant's

1 interest in the property;

2 (iv) the date, identity of the transferor, and  
3 circumstances of the claimant's acquisition of the  
4 interest in the property;

5 (v) the name and address of all other persons known  
6 to have an interest in the property;

7 (vi) the specific provision of law relied on in  
8 asserting the property is not subject to forfeiture;

9 (vii) all essential facts supporting each  
10 assertion; and

11 (viii) the relief sought.

12 (B) If a claimant files the claim and deposits with the  
13 State's Attorney a cost bond, in the form of a cashier's  
14 check payable to the clerk of the court, in the sum of 10%  
15 of the reasonable value of the property as alleged by the  
16 State's Attorney or the sum of \$100, whichever is greater,  
17 upon condition that, in the case of forfeiture, the  
18 claimant must pay all costs and expenses of forfeiture  
19 proceedings, then the State's Attorney shall institute  
20 judicial in rem forfeiture proceedings and deposit the cost  
21 bond with the clerk of the court as described in subsection  
22 (1) of this Section within 45 days after receipt of the  
23 claim and cost bond. In lieu of a cost bond, a person  
24 claiming interest in the seized property may file, under  
25 penalty of perjury, an indigency affidavit which has been  
26 approved by a circuit court judge.

1           (C) If none of the seized property is forfeited in the  
2           judicial in rem proceeding, the clerk of the court shall  
3           return to the claimant, unless the court orders otherwise,  
4           90% of the sum which has been deposited and shall retain as  
5           costs 10% of the money deposited. If any of the seized  
6           property is forfeited under the judicial forfeiture  
7           proceeding, the clerk of the court shall transfer 90% of  
8           the sum which has been deposited to the State's Attorney  
9           prosecuting the civil forfeiture to be applied to the costs  
10          of prosecution and the clerk shall retain as costs 10% of  
11          the sum deposited.

12          (4) If no claim is filed or bond given within the 45  
13          day period as described in paragraph (3) of this subsection  
14          (k), the State's Attorney shall declare the property  
15          forfeited and shall promptly notify the owner and all known  
16          interest holders of the property and the Director of State  
17          Police of the declaration of forfeiture and the Director  
18          shall dispose of the property in accordance with law.

19          (1) Judicial in rem procedures. If property seized under  
20          the provisions of this Article is non-real property that  
21          exceeds \$20,000 in value excluding the value of any conveyance,  
22          or is real property, or a claimant has filed a claim and a cost  
23          bond under paragraph (3) of subsection (k) of this Section, the  
24          following judicial in rem procedures shall apply:

25                 (1) If, after a review of the facts surrounding the  
26                 seizure, the State's Attorney is of the opinion that the

1 seized property is subject to forfeiture, then within 45  
2 days of the receipt of notice of seizure by the seizing  
3 agency or the filing of the claim and cost bond, whichever  
4 is later, the State's Attorney shall institute judicial  
5 forfeiture proceedings by filing a verified complaint for  
6 forfeiture and, if the claimant has filed a claim and cost  
7 bond, by depositing the cost bond with the clerk of the  
8 court. When authorized by law, a forfeiture must be ordered  
9 by a court on an action in rem brought by a State's  
10 Attorney under a verified complaint for forfeiture.

11 (2) During the probable cause portion of the judicial  
12 in rem proceeding wherein the State presents its  
13 case-in-chief, the court must receive and consider, among  
14 other things, all relevant hearsay evidence and  
15 information. The laws of evidence relating to civil actions  
16 apply to all other portions of the judicial in rem  
17 proceeding.

18 (3) Only an owner of or interest holder in the property  
19 may file an answer asserting a claim against the property  
20 in the action in rem. For purposes of this Section, the  
21 owner or interest holder shall be referred to as claimant.  
22 Upon motion of the State, the court shall first hold a  
23 hearing, wherein any claimant must establish by a  
24 preponderance of the evidence, that he or she has a lawful,  
25 legitimate ownership interest in the property and that it  
26 was obtained through a lawful source.

1           (4) The answer must be signed by the owner or interest  
2 holder under penalty of perjury and must set forth:

3           (A) the caption of the proceedings as set forth on  
4 the notice of pending forfeiture and the name of the  
5 claimant;

6           (B) the address at which the claimant will accept  
7 mail;

8           (C) the nature and extent of the claimant's  
9 interest in the property;

10           (D) the date, identity of transferor, and  
11 circumstances of the claimant's acquisition of the  
12 interest in the property;

13           (E) the name and address of all other persons known  
14 to have an interest in the property;

15           (F) all essential facts supporting each assertion;  
16 and

17           (G) the precise relief sought.

18           (5) The answer must be filed with the court within 45  
19 days after service of the civil in rem complaint.

20           (6) The hearing must be held within 60 days after  
21 filing of the answer unless continued for good cause.

22           (7) The State shall show the existence of probable  
23 cause for forfeiture of the property. If the State shows  
24 probable cause, the claimant has the burden of showing by a  
25 preponderance of the evidence that the claimant's interest  
26 in the property is not subject to forfeiture.

1           (8) If the State does not show existence of probable  
2 cause, the court shall order the interest in the property  
3 returned or conveyed to the claimant and shall order all  
4 other property forfeited to the State. If the State does  
5 show existence of probable cause, the court shall order all  
6 property forfeited to the State.

7           (9) A defendant convicted in any criminal proceeding is  
8 precluded from later denying the essential allegations of  
9 the criminal offense of which the defendant was convicted  
10 in any proceeding under this Article regardless of the  
11 pendency of an appeal from that conviction. However,  
12 evidence of the pendency of an appeal is admissible.

13           (10) An acquittal or dismissal in a criminal proceeding  
14 does not preclude civil proceedings under this Article;  
15 however, for good cause shown, on a motion by the State's  
16 Attorney, the court may stay civil forfeiture proceedings  
17 during the criminal trial for a related criminal indictment  
18 or information alleging a money laundering violation. Such  
19 a stay shall not be available pending an appeal. Property  
20 subject to forfeiture under this Article shall not be  
21 subject to return or release by a court exercising  
22 jurisdiction over a criminal case involving the seizure of  
23 such property unless such return or release is consented to  
24 by the State's Attorney.

25           (11) All property declared forfeited under this  
26 Article vests in this State on the commission of the

1           conduct giving rise to forfeiture together with the  
2           proceeds of the property after that time. Any such property  
3           or proceeds subsequently transferred to any person remain  
4           subject to forfeiture and thereafter shall be ordered  
5           forfeited.

6           (12) A civil action under this Article must be  
7           commenced within 5 years after the last conduct giving rise  
8           to forfeiture became known or should have become known or 5  
9           years after the forfeitable property is discovered,  
10          whichever is later, excluding any time during which either  
11          the property or claimant is out of the State or in  
12          confinement or during which criminal proceedings relating  
13          to the same conduct are in progress.

14          (m) Stay of time periods. If property is seized for  
15          evidence and for forfeiture, the time periods for instituting  
16          judicial and non-judicial forfeiture proceedings shall not  
17          begin until the property is no longer necessary for evidence.

18          (n) Settlement of claims. Notwithstanding other provisions  
19          of this Article, the State's Attorney and a claimant of seized  
20          property may enter into an agreed-upon settlement concerning  
21          the seized property in such an amount and upon such terms as  
22          are set out in writing in a settlement agreement.

23          (o) Property constituting attorney fees. Nothing in this  
24          Article applies to property which constitutes reasonable bona  
25          fide attorney's fees paid to an attorney for services rendered  
26          or to be rendered in the forfeiture proceeding or criminal

1 proceeding relating directly thereto where such property was  
2 paid before its seizure, before the issuance of any seizure  
3 warrant or court order prohibiting transfer of the property and  
4 where the attorney, at the time he or she received the property  
5 did not know that it was property subject to forfeiture under  
6 this Article.

7 (p) Construction. It is the intent of the General Assembly  
8 that the forfeiture provisions of this Article be liberally  
9 construed so as to effect their remedial purpose. The  
10 forfeiture of property and other remedies hereunder shall be  
11 considered to be in addition to, and not exclusive of, any  
12 sentence or other remedy provided by law.

13 (q) Judicial review. If property has been declared  
14 forfeited under subsection (k) of this Section, any person who  
15 has an interest in the property declared forfeited may, within  
16 30 days after the effective date of the notice of the  
17 declaration of forfeiture, file a claim and cost bond as  
18 described in paragraph (3) of subsection (k) of this Section.  
19 If a claim and cost bond is filed under this Section, then the  
20 procedures described in subsection (l) of this Section apply.

21 (r) Burden of proof of exemption or exception. It is not  
22 necessary for the State to negate any exemption or exception in  
23 this Article in any complaint, information, indictment or other  
24 pleading or in any trial, hearing, or other proceeding under  
25 this Article. The burden of proof of any exemption or exception  
26 is upon the person claiming it.

1           (s) Review of administrative decisions. All administrative  
2 findings, rulings, final determinations, findings, and  
3 conclusions of the State's Attorney's Office under this Article  
4 are final and conclusive decisions of the matters involved. Any  
5 person aggrieved by the decision may obtain review of the  
6 decision pursuant to the provisions of the Administrative  
7 Review Law and the rules adopted pursuant to that Law. Pending  
8 final decision on such review, the administrative acts, orders,  
9 and rulings of the State's Attorney's Office remain in full  
10 force and effect unless modified or suspended by order of court  
11 pending final judicial decision. Pending final decision on such  
12 review, the acts, orders, and rulings of the State's Attorney's  
13 Office remain in full force and effect, unless stayed by order  
14 of court. However, no stay of any decision of the  
15 administrative agency shall issue unless the person aggrieved  
16 by the decision establishes by a preponderance of the evidence  
17 that good cause exists for the stay. In determining good cause,  
18 the court shall find that the aggrieved party has established a  
19 substantial likelihood of prevailing on the merits and that  
20 granting the stay will not have an injurious effect on the  
21 general public.

22           (Source: P.A. 96-275, eff. 8-11-09; 96-710, eff. 1-1-10;  
23 revised 10-9-09.)

24           (720 ILCS 5/29D-25)

25           Sec. 29D-25. Falsely making a terrorist threat.

1           (a) A person commits the offense of falsely making a  
2 terrorist threat when in any manner he or she knowingly makes a  
3 threat to commit or cause to be committed a terrorist act as  
4 defined in Section 29D-10(1) or otherwise knowingly creates the  
5 impression or belief that a terrorist act is about to be or has  
6 been committed, or in any manner knowingly makes a threat to  
7 commit or cause to be committed a catastrophe as defined in  
8 Section 29D-15.1 (720 ILCS 5/29D-15.1) of this Code that he or  
9 she knows is false.

10           (b) Sentence. Falsely making a terrorist threat is a Class  
11 1 felony.

12           (c) In addition to any other sentence that may be imposed,  
13 the court shall order any person convicted of falsely making a  
14 terrorist threat, involving a threat that a bomb or explosive  
15 device has been placed in a school in which the offender knows  
16 that such bomb or explosive device was not placed in the  
17 school, to reimburse the unit of government that employs the  
18 emergency response officer or officers that were dispatched to  
19 the school for the cost of the search for a bomb or explosive  
20 device. For the purposes of this Section, "emergency response"  
21 means any incident requiring a response by a police officer, a  
22 firefighter, a State Fire Marshal employee, or an ambulance.

23           (Source: P.A. 96-413, eff. 8-13-09; 96-710, eff. 1-1-10;  
24 revised 10-9-09.)

25           (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

1           Sec. 36-1. Seizure. Any vessel, vehicle or aircraft used  
2 with the knowledge and consent of the owner in the commission  
3 of, or in the attempt to commit as defined in Section 8-4 of  
4 this Code, an offense prohibited by (a) Section 9-1, 9-3, 10-2,  
5 11-6, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-4.1, 12-4.2,  
6 12-4.2-5, 12-4.3, 12-4.6, 12-7.3, 12-7.4, 12-13, 12-14, 16-1 if  
7 the theft is of precious metal or of scrap metal, 18-2, 19-1,  
8 19-2, 19-3, 20-1, 20-2, ~~29D-15.2~~, 24-1.2, 24-1.2-5, 24-1.5, ~~or~~  
9 28-1, or 29D-15.2 of this Code, paragraph (a) of Section 12-4  
10 of this Code, paragraph (a) of Section 12-15 or paragraphs (a),  
11 (c) or (d) of Section 12-16 of this Code, or paragraph (a)(6)  
12 or (a)(7) of Section 24-1 of this Code; (b) Section 21, 22, 23,  
13 24 or 26 of the Cigarette Tax Act if the vessel, vehicle or  
14 aircraft contains more than 10 cartons of such cigarettes; (c)  
15 Section 28, 29 or 30 of the Cigarette Use Tax Act if the  
16 vessel, vehicle or aircraft contains more than 10 cartons of  
17 such cigarettes; (d) Section 44 of the Environmental Protection  
18 Act; (e) 11-204.1 of the Illinois Vehicle Code; (f) the  
19 offenses described in the following provisions of the Illinois  
20 Vehicle Code: Section 11-501 subdivisions (c-1)(1), (c-1)(2),  
21 (c-1)(3), (d)(1)(A), (d)(1)(D), (d)(1)(G), or (d)(1)(H); (g)  
22 an offense described in subsection (g) of Section 6-303 of the  
23 Illinois Vehicle Code; or (h) an offense described in  
24 subsection (e) of Section 6-101 of the Illinois Vehicle Code;  
25 may be seized and delivered forthwith to the sheriff of the  
26 county of seizure.

1           Within 15 days after such delivery the sheriff shall give  
2 notice of seizure to each person according to the following  
3 method: Upon each such person whose right, title or interest is  
4 of record in the office of the Secretary of State, the  
5 Secretary of Transportation, the Administrator of the Federal  
6 Aviation Agency, or any other Department of this State, or any  
7 other state of the United States if such vessel, vehicle or  
8 aircraft is required to be so registered, as the case may be,  
9 by mailing a copy of the notice by certified mail to the  
10 address as given upon the records of the Secretary of State,  
11 the Department of Aeronautics, Department of Public Works and  
12 Buildings or any other Department of this State or the United  
13 States if such vessel, vehicle or aircraft is required to be so  
14 registered. Within that 15 day period the sheriff shall also  
15 notify the State's Attorney of the county of seizure about the  
16 seizure.

17           In addition, any mobile or portable equipment used in the  
18 commission of an act which is in violation of Section 7g of the  
19 Metropolitan Water Reclamation District Act shall be subject to  
20 seizure and forfeiture under the same procedures provided in  
21 this Article for the seizure and forfeiture of vessels,  
22 vehicles and aircraft, and any such equipment shall be deemed a  
23 vessel, vehicle or aircraft for purposes of this Article.

24           When a person discharges a firearm at another individual  
25 from a vehicle with the knowledge and consent of the owner of  
26 the vehicle and with the intent to cause death or great bodily

1 harm to that individual and as a result causes death or great  
2 bodily harm to that individual, the vehicle shall be subject to  
3 seizure and forfeiture under the same procedures provided in  
4 this Article for the seizure and forfeiture of vehicles used in  
5 violations of clauses (a), (b), (c), or (d) of this Section.

6 If the spouse of the owner of a vehicle seized for an  
7 offense described in subsection (g) of Section 6-303 of the  
8 Illinois Vehicle Code, a violation of subdivision (c-1)(1),  
9 (c-1)(2), (c-1)(3), (d)(1)(A), or (d)(1)(D) of Section 11-501  
10 of the Illinois Vehicle Code, or Section 9-3 of this Code makes  
11 a showing that the seized vehicle is the only source of  
12 transportation and it is determined that the financial hardship  
13 to the family as a result of the seizure outweighs the benefit  
14 to the State from the seizure, the vehicle may be forfeited to  
15 the spouse or family member and the title to the vehicle shall  
16 be transferred to the spouse or family member who is properly  
17 licensed and who requires the use of the vehicle for employment  
18 or family transportation purposes. A written declaration of  
19 forfeiture of a vehicle under this Section shall be sufficient  
20 cause for the title to be transferred to the spouse or family  
21 member. The provisions of this paragraph shall apply only to  
22 one forfeiture per vehicle. If the vehicle is the subject of a  
23 subsequent forfeiture proceeding by virtue of a subsequent  
24 conviction of either spouse or the family member, the spouse or  
25 family member to whom the vehicle was forfeited under the first  
26 forfeiture proceeding may not utilize the provisions of this

1 paragraph in another forfeiture proceeding. If the owner of the  
2 vehicle seized owns more than one vehicle, the procedure set  
3 out in this paragraph may be used for only one vehicle.

4 Property declared contraband under Section 40 of the  
5 Illinois Streetgang Terrorism Omnibus Prevention Act may be  
6 seized and forfeited under this Article.

7 (Source: P.A. 96-313, eff. 1-1-10; 96-710, eff. 1-1-10; revised  
8 10-9-09.)

9 Section 605. The Illinois Controlled Substances Act is  
10 amended by changing Sections 208 and 303.05 as follows:

11 (720 ILCS 570/208) (from Ch. 56 1/2, par. 1208)

12 Sec. 208. (a) The controlled substances listed in this  
13 Section are included in Schedule III.

14 (b) Unless specifically excepted or unless listed in  
15 another schedule, any material, compound, mixture, or  
16 preparation which contains any quantity of the following  
17 substances having a stimulant effect on the central nervous  
18 system, including its salts, isomers (whether optical  
19 position, or geometric), and salts of such isomers whenever the  
20 existence of such salts, isomers, and salts of isomers is  
21 possible within the specific chemical designation;

22 (1) Those compounds, mixtures, or preparations in  
23 dosage unit form containing any stimulant substances  
24 listed in Schedule II which compounds, mixtures, or

1 preparations were listed on August 25, 1971, as excepted  
2 compounds under Title 21, Code of Federal Regulations,  
3 Section 308.32, and any other drug of the quantitative  
4 composition shown in that list for those drugs or which is  
5 the same except that it contains a lesser quantity of  
6 controlled substances;

7 (2) Benzphetamine;

8 (3) Chlorphentermine;

9 (4) Clortermine;

10 (5) Phendimetrazine.

11 (c) Unless specifically excepted or unless listed in  
12 another schedule, any material, compound, mixture, or  
13 preparation which contains any quantity of the following  
14 substances having a potential for abuse associated with a  
15 depressant effect on the central nervous system:

16 (1) Any compound, mixture, or preparation containing  
17 amobarbital, secobarbital, pentobarbital or any salt  
18 thereof and one or more other active medicinal ingredients  
19 which are not listed in any schedule;

20 (2) Any suppository dosage form containing  
21 amobarbital, secobarbital, pentobarbital or any salt of  
22 any of these drugs and approved by the Federal Food and  
23 Drug Administration for marketing only as a suppository;

24 (3) Any substance which contains any quantity of a  
25 derivative of barbituric acid, or any salt thereof:

26 (4) Chlorhexadol;

- 1 (5) Methyprylon;
- 2 (6) Sulfondiethylmethane;
- 3 (7) Sulfonethylmethane;
- 4 (8) Sulfonmethane;
- 5 (9) Lysergic acid;
- 6 (10) Lysergic acid amide;
- 7 (10.1) Tiletamine or zolazepam or both, or any salt of
- 8 either of them.
- 9 Some trade or other names for a tiletamine-zolazepam
- 10 combination product: Telazol.
- 11 Some trade or other names for Tiletamine:
- 12 2-(ethylamino)-2-(2-thienyl)-cyclohexanone.
- 13 Some trade or other names for zolazepam:
- 14 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-
- 15 [3,4-e], [1,4]-diazepin-7(1H)-one, and flupyrzapon.
- 16 (11) Any material, compound, mixture or preparation
- 17 containing not more than 12.5 milligrams of pentazocine or
- 18 any of its salts, per 325 milligrams of aspirin;
- 19 (12) Any material, compound, mixture or preparation
- 20 containing not more than 12.5 milligrams of pentazocine or
- 21 any of its salts, per 325 milligrams of acetaminophen;
- 22 (13) Any material, compound, mixture or preparation
- 23 containing not more than 50 milligrams of pentazocine or
- 24 any of its salts plus naloxone HCl USP 0.5 milligrams, per
- 25 dosage unit;
- 26 (14) Ketamine.

1 (d) Nalorphine.

2 (e) Unless specifically excepted or unless listed in  
3 another schedule, any material, compound, mixture, or  
4 preparation containing limited quantities of any of the  
5 following narcotic drugs, or their salts calculated as the free  
6 anhydrous base or alkaloid, as set forth below:

7 (1) not more than 1.8 grams of codeine per 100  
8 milliliters or not more than 90 milligrams per dosage unit,  
9 with an equal or greater quantity of an isoquinoline  
10 alkaloid of opium;

11 (2) not more than 1.8 grams of codeine per 100  
12 milliliters or not more than 90 milligrams per dosage unit,  
13 with one or more active non-narcotic ingredients in  
14 recognized therapeutic amounts;

15 (3) not more than 300 milligrams of dihydrocodeinone  
16 per 100 milliliters or not more than 15 milligrams per  
17 dosage unit, with a fourfold or greater quantity of an  
18 isoquinoline alkaloid of opium;

19 (4) not more than 300 milligrams of dihydrocodeinone  
20 per 100 milliliters or not more than 15 milligrams per  
21 dosage unit, with one or more active, non-narcotic  
22 ingredients in recognized therapeutic amounts;

23 (5) not more than 1.8 grams of dihydrocodeine per 100  
24 milliliters or not more than 90 milligrams per dosage unit,  
25 with one or more active, non-narcotic ingredients in  
26 recognized therapeutic amounts;

1           (6) not more than 300 milligrams of ethylmorphine per  
2           100 milliliters or not more than 15 milligrams per dosage  
3           unit, with one or more active, non-narcotic ingredients in  
4           recognized therapeutic amounts;

5           (7) not more than 500 milligrams of opium per 100  
6           milliliters or per 100 grams, or not more than 25  
7           milligrams per dosage unit, with one or more active,  
8           non-narcotic ingredients in recognized therapeutic  
9           amounts;

10          (8) not more than 50 milligrams of morphine per 100  
11          milliliters or per 100 grams with one or more active,  
12          non-narcotic ingredients in recognized therapeutic  
13          amounts.

14          (f) Anabolic steroids, except the following anabolic  
15          steroids that are exempt:

- 16           (1) Androgyn L.A.;
- 17           (2) Andro-Estro 90-4;
- 18           (3) depANDROGYN;
- 19           (4) DEPO-T.E.;
- 20           (5) depTESTROGEN;
- 21           (6) Duomone;
- 22           (7) DURATESTRIN;
- 23           (8) DUO-SPAN II;
- 24           (9) Estratest;
- 25           (10) Estratest H.S.;
- 26           (11) PAN ESTRA TEST;

- 1 (12) Premarin with Methyltestosterone;  
2 (13) TEST-ESTRO Cypionates;  
3 (14) Testosterone Cyp 50 Estradiol Cyp 2;  
4 (15) Testosterone Cypionate-Estradiol Cypionate  
5 injection; and  
6 (16) Testosterone Enanthate-Estradiol Valerate  
7 injection.  
8 (g) Hallucinogenic substances.

9 (1) Dronabinol (synthetic) in sesame oil and  
10 encapsulated in a soft gelatin capsule in a U.S. Food and  
11 Drug Administration approved product. Some other names for  
12 dronabinol: (6aR-trans)-6a,7,8,10a-tetrahydro-  
13 6,6,9-trimethyl-3-pentyl-6H-dibenzo (b,d) pyran-1-ol)  
14 ~~(6aR-trans)-6a,7,8,10a-tetrahydro-~~  
15 ~~6,6,9-trimethyl-3-pentyl-6H-dibenzo (b,d) pyran-1-ol)~~ or  
16 (-)-delta-9-(trans)-tetrahydrocannabinol  
17 ~~(-) delta-9 (trans) tetrahydrocannabinol.~~

18 (2) (Reserved).

19 (h) The Department may except by rule any compound,  
20 mixture, or preparation containing any stimulant or depressant  
21 substance listed in subsection (b) from the application of all  
22 or any part of this Act if the compound, mixture, or  
23 preparation contains one or more active medicinal ingredients  
24 not having a stimulant or depressant effect on the central  
25 nervous system, and if the admixtures are included therein in  
26 combinations, quantity, proportion, or concentration that

1 vitiate the potential for abuse of the substances which have a  
2 stimulant or depressant effect on the central nervous system.

3 (Source: P.A. 96-328, eff. 8-11-09; revised 11-4-09.)

4 (720 ILCS 570/303.05)

5 Sec. 303.05. Mid-level practitioner registration.

6 (a) The Department of Financial and Professional  
7 Regulation shall register licensed physician assistants and  
8 licensed advanced practice nurses to prescribe and dispense  
9 controlled substances under Section 303 and euthanasia  
10 agencies to purchase, store, or administer animal euthanasia  
11 drugs under the following circumstances:

12 (1) with respect to physician assistants,

13 (A) the physician assistant has been delegated  
14 authority to prescribe any Schedule III through V  
15 controlled substances by a physician licensed to  
16 practice medicine in all its branches in accordance  
17 with Section 7.5 of the Physician Assistant Practice  
18 Act of 1987; and the physician assistant has completed  
19 the appropriate application forms and has paid the  
20 required fees as set by rule; or

21 (B) the physician assistant has been delegated  
22 authority by a supervising physician licensed to  
23 practice medicine in all its branches to prescribe or  
24 dispense Schedule II controlled substances through a  
25 written delegation of authority and under the

1 following conditions:

2 (i) no more than 5 Schedule II controlled  
3 substances by oral dosage may be delegated;

4 (ii) any delegation must be of controlled  
5 substances prescribed by the supervising  
6 physician;

7 (iii) all prescriptions must be limited to no  
8 more than a 30-day oral dosage, with any  
9 continuation authorized only after prior approval  
10 of the supervising physician;

11 (iv) the physician assistant must discuss the  
12 condition of any patients for whom a controlled  
13 substance is prescribed monthly with the  
14 delegating physician; and

15 (v) the physician assistant must have  
16 completed the appropriate application forms and  
17 paid the required fees as set by rule; ~~and~~

18 (2) with respect to advanced practice nurses,

19 (A) the advanced practice nurse has been delegated  
20 authority to prescribe any Schedule III through V  
21 controlled substances by a physician licensed to  
22 practice medicine in all its branches or a podiatrist  
23 in accordance with Section 65-40 of the Nurse Practice  
24 Act. The advanced practice nurse has completed the  
25 appropriate application forms and has paid the  
26 required fees as set by rule; or

1 (B) the advanced practice nurse has been delegated  
2 authority by a collaborating physician licensed to  
3 practice medicine in all its branches to prescribe or  
4 dispense Schedule II controlled substances through a  
5 written delegation of authority and under the  
6 following conditions:

7 (i) no more than 5 Schedule II controlled  
8 substances by oral dosage may be delegated;

9 (ii) any delegation must be of controlled  
10 substances prescribed by the collaborating  
11 physician;

12 (iii) all prescriptions must be limited to no  
13 more than a 30-day oral dosage, with any  
14 continuation authorized only after prior approval  
15 of the collaborating physician;

16 (iv) the advanced practice nurse must discuss  
17 the condition of any patients for whom a controlled  
18 substance is prescribed monthly with the  
19 delegating physician; and

20 (v) the advanced practice nurse must have  
21 completed the appropriate application forms and  
22 paid the required fees as set by rule; or

23 (3) with respect to animal euthanasia agencies, the  
24 euthanasia agency has obtained a license from the  
25 Department of Professional Regulation and obtained a  
26 registration number from the Department.

1 (b) The mid-level practitioner shall only be licensed to  
2 prescribe those schedules of controlled substances for which a  
3 licensed physician or licensed podiatrist has delegated  
4 prescriptive authority, except that an animal euthanasia  
5 agency does not have any prescriptive authority. A physician  
6 assistant and an advanced practice nurse are prohibited from  
7 prescribing medications and controlled substances not set  
8 forth in the required written delegation of authority.

9 (c) Upon completion of all registration requirements,  
10 physician assistants, advanced practice nurses, and animal  
11 euthanasia agencies shall be issued a mid-level practitioner  
12 controlled substances license for Illinois.

13 (Source: P.A. 95-639, eff. 10-5-07; 96-189, eff. 8-10-09;  
14 96-268, eff. 8-11-09; revised 9-4-09.)

15 Section 610. The Prevention of Tobacco Use by Minors Act  
16 (as amended by P.A. 96-179)/Sale and Distribution of Tobacco  
17 Products Act (as amended by P.A. 96-446) is amended by changing  
18 the title of the Act and Sections 0.01 and 1 as follows:

19 (720 ILCS 675/Act title)

20 An Act to prohibit minors from buying, selling, or  
21 possessing tobacco in any of its forms, to prohibit selling,  
22 giving or furnishing tobacco, in any of its forms, to minors,  
23 and to prohibit the distribution of tobacco samples and  
24 providing penalties therefor.

1 (720 ILCS 675/0.01) (from Ch. 23, par. 2356.9)

2 Sec. 0.01. Short title. This Act may be cited as the  
3 Prevention of Tobacco Use by Minors and Sale and Distribution  
4 of Tobacco Products Act.

5 (Source: P.A. 96-179, eff. 8-10-09; 96-446, eff. 1-1-10;  
6 revised 10-8-09.)

7 (720 ILCS 675/1) (from Ch. 23, par. 2357)

8 Sec. 1. Prohibition on sale to and possession of tobacco by  
9 minors; prohibition on the distribution of tobacco samples to  
10 any person; use of identification cards; vending machines;  
11 lunch wagons; out-of-package sales.

12 (a) No minor under 18 years of age shall buy any tobacco  
13 product. No person shall sell, buy for, distribute samples of  
14 or furnish any tobacco product to any minor under 18 years of  
15 age.

16 (a-5) No minor under 16 years of age may sell any tobacco  
17 product at a retail establishment selling tobacco products.  
18 This subsection does not apply to a sales clerk in a  
19 family-owned business which can prove that the sales clerk is  
20 in fact a son or daughter of the owner.

21 (a-6) No minor under 18 years of age in the furtherance or  
22 facilitation of obtaining any tobacco product shall display or  
23 use a false or forged identification card or transfer, alter,  
24 or deface an identification card.

1           (a-7) No minor under 18 years of age shall possess any  
2 cigar, cigarette, smokeless tobacco, or tobacco in any of its  
3 forms.

4           (a-8) ~~(a-7)~~ A person shall not distribute without charge  
5 samples of any tobacco product to any other person, regardless  
6 of age:

7           (1) within a retail establishment selling tobacco  
8 products, unless the retailer has verified the purchaser's  
9 age with a government issued identification;

10           (2) from a lunch wagon; or

11           (3) on a public way as a promotion or advertisement of  
12 a tobacco manufacturer or tobacco product.

13           This subsection (a-8) ~~(a-7)~~ does not apply to the  
14 distribution of a tobacco product sample in any adult-only  
15 facility.

16           (a-9) For the purpose of this Section:

17           "Adult-only facility means a facility or restricted  
18 area (whether open-air or enclosed) where the operator  
19 ensures or has a reasonable basis to believe (such as by  
20 checking identification as required under State law, or by  
21 checking the identification of any person appearing to be  
22 under the age of 27) that no person under legal age is  
23 present. A facility or restricted area need not be  
24 permanently restricted to persons under legal age to  
25 constitute an adult-only facility, provided that the  
26 operator ensures or has a reasonable basis to believe that

1 no person under legal age is present during the event or  
2 time period in question.

3 "Lunch wagon" means a mobile vehicle designed and  
4 constructed to transport food and from which food is sold  
5 to the general public.

6 "Smokeless tobacco" means any tobacco products that  
7 are suitable for dipping or chewing.

8 "Tobacco product" means any cigar, cigarette,  
9 smokeless tobacco, or tobacco in any of its forms.

10 (b) Tobacco products listed in this Section may be sold  
11 through a vending machine only if such tobacco products are not  
12 placed together with any non-tobacco product, other than  
13 matches, in the vending machine and the vending machine is in  
14 any of the following locations:

15 (1) (Blank).

16 (2) Places to which minors under 18 years of age are  
17 not permitted access.

18 (3) Places where alcoholic beverages are sold and  
19 consumed on the premises and vending machine operation is  
20 under the direct supervision of the owner or manager.

21 (4) (Blank).

22 (5) Places where the vending machine can only be  
23 operated by the owner or an employee over age 18 either  
24 directly or through a remote control device if the device  
25 is inaccessible to all customers.

26 (c) (Blank).

1           (d) The sale or distribution by any person of a tobacco  
2 product in this Section, including but not limited to a single  
3 or loose cigarette, that is not contained within a sealed  
4 container, pack, or package as provided by the manufacturer,  
5 which container, pack, or package bears the health warning  
6 required by federal law, is prohibited.

7           (e) It is not a violation of this Act for a person under 18  
8 years of age to purchase or possess a cigar, cigarette,  
9 smokeless tobacco or tobacco in any of its forms if the person  
10 under the age of 18 purchases or is given the cigar, cigarette,  
11 smokeless tobacco or tobacco in any of its forms from a retail  
12 seller of tobacco products or an employee of the retail seller  
13 pursuant to a plan or action to investigate, patrol, or  
14 otherwise conduct a "sting operation" or enforcement action  
15 against a retail seller of tobacco products or a person  
16 employed by the retail seller of tobacco products or on any  
17 premises authorized to sell tobacco products to determine if  
18 tobacco products are being sold or given to persons under 18  
19 years of age if the "sting operation" or enforcement action is  
20 approved by the Department of State Police, the county sheriff,  
21 a municipal police department, the Department of Public Health,  
22 or a local health department.

23           (Source: P.A. 95-905, eff. 1-1-09; 96-179, eff. 8-10-09;  
24 96-446, eff. 1-1-10; revised 10-19-09.)

25           Section 615. The Display of Tobacco Products Act is amended

1 by changing Section 15 as follows:

2 (720 ILCS 677/15)

3 Sec. 15. Vending machines. This Act does not prohibit the  
4 sale of tobacco products from vending machines if the location  
5 of the vending machines are in compliance with the provisions  
6 of Section 1 of the Prevention of Tobacco Use by Minors and  
7 Sale and Distribution of Tobacco Products Act.

8 (Source: P.A. 96-179, eff. 8-10-09; 96-446, eff. 1-1-10;  
9 revised 10-19-09.)

10 Section 620. The Unified Code of Corrections is amended by  
11 changing Sections 3-1-2, 3-3-2.1, 3-3-7, 5-4-3, 5-4.5-15,  
12 5-4.5-100, 5-5-3.2, 5-6-1, 5-6-3, 5-6-3.1, 5-8-1, 5-8-4,  
13 5-8-8, and 5-9-1.1-5 and by setting forth and renumbering  
14 multiple versions of Section 5-9-1.17 as follows:

15 (730 ILCS 5/3-1-2) (from Ch. 38, par. 1003-1-2)

16 Sec. 3-1-2. Definitions.

17 (a) "Chief Administrative Officer" means the person  
18 designated by the Director to exercise the powers and duties of  
19 the Department of Corrections in regard to committed persons  
20 within a correctional institution or facility, and includes the  
21 superintendent of any juvenile institution or facility.

22 (a-5) "Sex offense" for the purposes of paragraph (16) of  
23 subsection (a) of Section 3-3-7, paragraph (10) of subsection

1 (a) of Section 5-6-3, and paragraph (18) of subsection (c) of  
2 Section 5-6-3.1 only means:

3 (i) A violation of any of the following Sections of the  
4 Criminal Code of 1961: 10-7 (aiding or abetting child  
5 abduction under Section 10-5(b)(10)), 10-5(b)(10) (child  
6 luring), 11-6 (indecent solicitation of a child), 11-6.5  
7 (indecent solicitation of an adult), 11-15.1 (soliciting  
8 for a juvenile prostitute), 11-17.1 (keeping a place of  
9 juvenile prostitution), 11-18.1 (patronizing a juvenile  
10 prostitute), 11-19.1 (juvenile pimping), 11-19.2  
11 (exploitation of a child), 11-20.1 (child pornography),  
12 12-14.1 (predatory criminal sexual assault of a child), or  
13 12-33 (ritualized abuse of a child). An attempt to commit  
14 any of these offenses.

15 (ii) A violation of any of the following Sections of  
16 the Criminal Code of 1961: 12-13 (criminal sexual assault),  
17 12-14 (aggravated criminal sexual assault), 12-16  
18 (aggravated criminal sexual abuse), and subsection (a) of  
19 Section 12-15 (criminal sexual abuse). An attempt to commit  
20 any of these offenses.

21 (iii) A violation of any of the following Sections of  
22 the Criminal Code of 1961 when the defendant is not a  
23 parent of the victim:

24 10-1 (kidnapping),

25 10-2 (aggravated kidnapping),

26 10-3 (unlawful restraint),

1           10-3.1 (aggravated unlawful restraint).

2           An attempt to commit any of these offenses.

3           (iv) A violation of any former law of this State  
4           substantially equivalent to any offense listed in this  
5           subsection (a-5).

6           An offense violating federal law or the law of another  
7           state that is substantially equivalent to any offense listed in  
8           this subsection (a-5) shall constitute a sex offense for the  
9           purpose of this subsection (a-5). A finding or adjudication as  
10          a sexually dangerous person under any federal law or law of  
11          another state that is substantially equivalent to the Sexually  
12          Dangerous Persons Act shall constitute an adjudication for a  
13          sex offense for the purposes of this subsection (a-5).

14          (b) "Commitment" means a judicially determined placement  
15          in the custody of the Department of Corrections on the basis of  
16          delinquency or conviction.

17          (c) "Committed Person" is a person committed to the  
18          Department, however a committed person shall not be considered  
19          to be an employee of the Department of Corrections for any  
20          purpose, including eligibility for a pension, benefits, or any  
21          other compensation or rights or privileges which may be  
22          provided to employees of the Department.

23          (c-5) "Computer scrub software" means any third-party  
24          added software, designed to delete information from the  
25          computer unit, the hard drive, or other software, which would  
26          eliminate and prevent discovery of browser activity, including

1 but not limited to Internet history, address bar or bars, cache  
2 or caches, and/or cookies, and which would over-write files in  
3 a way so as to make previous computer activity, including but  
4 not limited to website access, more difficult to discover.

5 (d) "Correctional Institution or Facility" means any  
6 building or part of a building where committed persons are kept  
7 in a secured manner.

8 (e) In the case of functions performed before the effective  
9 date of this amendatory Act of the 94th General Assembly,  
10 "Department" means the Department of Corrections of this State.  
11 In the case of functions performed on or after the effective  
12 date of this amendatory Act of the 94th General Assembly,  
13 "Department" has the meaning ascribed to it in subsection  
14 (f-5).

15 (f) In the case of functions performed before the effective  
16 date of this amendatory Act of the 94th General Assembly,  
17 "Director" means the Director of the Department of Corrections.  
18 In the case of functions performed on or after the effective  
19 date of this amendatory Act of the 94th General Assembly,  
20 "Director" has the meaning ascribed to it in subsection (f-5).

21 (f-5) In the case of functions performed on or after the  
22 effective date of this amendatory Act of the 94th General  
23 Assembly, references to "Department" or "Director" refer to  
24 either the Department of Corrections or the Director of  
25 Corrections or to the Department of Juvenile Justice or the  
26 Director of Juvenile Justice unless the context is specific to

1 the Department of Juvenile Justice or the Director of Juvenile  
2 Justice.

3 (g) "Discharge" means the final termination of a commitment  
4 to the Department of Corrections.

5 (h) "Discipline" means the rules and regulations for the  
6 maintenance of order and the protection of persons and property  
7 within the institutions and facilities of the Department and  
8 their enforcement.

9 (i) "Escape" means the intentional and unauthorized  
10 absence of a committed person from the custody of the  
11 Department.

12 (j) "Furlough" means an authorized leave of absence from  
13 the Department of Corrections for a designated purpose and  
14 period of time.

15 (k) "Parole" means the conditional and revocable release of  
16 a committed person under the supervision of a parole officer.

17 (l) "Prisoner Review Board" means the Board established in  
18 Section 3-3-1(a), independent of the Department, to review  
19 rules and regulations with respect to good time credits, to  
20 hear charges brought by the Department against certain  
21 prisoners alleged to have violated Department rules with  
22 respect to good time credits, to set release dates for certain  
23 prisoners sentenced under the law in effect prior to the  
24 effective date of this Amendatory Act of 1977, to hear requests  
25 and make recommendations to the Governor with respect to  
26 pardon, reprieve or commutation, to set conditions for parole

1 and mandatory supervised release and determine whether  
2 violations of those conditions justify revocation of parole or  
3 release, and to assume all other functions previously exercised  
4 by the Illinois Parole and Pardon Board.

5 (m) Whenever medical treatment, service, counseling, or  
6 care is referred to in this Unified Code of Corrections, such  
7 term may be construed by the Department or Court, within its  
8 discretion, to include treatment, service or counseling by a  
9 Christian Science practitioner or nursing care appropriate  
10 therewith whenever request therefor is made by a person subject  
11 to the provisions of this Act.

12 (n) "Victim" shall have the meaning ascribed to it in  
13 subsection (a) of Section 3 of the Bill of Rights for Victims  
14 and Witnesses of Violent Crime Act.

15 (Source: P.A. 96-362, eff. 1-1-10; 96-710, eff. 1-1-10; revised  
16 10-9-09.)

17 (730 ILCS 5/3-3-2.1) (from Ch. 38, par. 1003-3-2.1)

18 Sec. 3-3-2.1. Prisoner Review Board - Release Date.

19 (a) Except as provided in subsection (b), the Prisoner  
20 Review Board shall, no later than 7 days following a prisoner's  
21 next parole hearing after the effective date of this Amendatory  
22 Act of 1977, provide each prisoner sentenced under the law in  
23 effect prior to the effective date of this amendatory Act of  
24 1977, with a fixed release date.

25 (b) No release date under this Section shall be set for any

1 person sentenced to an indeterminate sentence under the law in  
2 effect prior to the effective date of this amendatory Act of  
3 1977 in which the minimum term of such sentence is 20 years or  
4 more.

5 (c) The Prisoner Review Board shall notify each eligible  
6 offender of his or her release date in a form substantially as  
7 follows:

8 Date of Notice

9 "To (Name of offender):

10 Under a recent change in the law you are provided with this  
11 choice:

12 (1) You may remain under your present indeterminate  
13 sentence and continue to be eligible for parole; or (2) you may  
14 waive your right to parole and accept the release date which  
15 has been set for you. From this release date will be deducted  
16 any good conduct credit you may earn.

17 If you accept the release date established by the Board,  
18 you will no longer be eligible for parole.

19 Your release date from prison has been set for: (release  
20 date) ..... , subject to a term of mandatory supervised  
21 release as provided by law.

22 If you accumulate the maximum amount of good conduct credit  
23 as allowed by law recently enacted, you can be released on:  
24 ..... , subject to a term of mandatory supervised release as  
25 provided by law.

26 Should you choose not to accept the release date, your next

1 parole hearing will be: ..... .

2 The Board has based its determination of your release date  
3 on the following:

4 (1) The material that normally would be examined in  
5 connection with your parole hearing, as set forth in  
6 paragraph (d) of Section 3-3-4 of the Unified Code of  
7 Corrections:

8 (2) the intent of the court in imposing sentence on  
9 you;

10 (3) the present schedule of sentences for similar  
11 offenses provided by Articles 4.5 and 5 of Chapter V of the  
12 Unified Code of Corrections, as amended;

13 (4) the factors in mitigation and aggravation provided  
14 by Sections 5-5-3.1 and 5-5-3.2 of the Unified Code of  
15 Corrections, as amended;

16 (5) The rate of accumulating good conduct credits  
17 provided by Section 3-6-3 of the Unified Code of  
18 Corrections, as amended;

19 (6) your behavior since commitment.

20 You now have 60 days in which to decide whether to remain  
21 under your indeterminate sentence and continue to be eligible  
22 for parole or waive your right to parole and accept the release  
23 date established for you by the Board. If you do nothing within  
24 60 days, you will remain under the parole system.

25 If you accept the release date, you may accumulate good  
26 conduct credit at the maximum rate provided under the law

1 recently enacted.

2 If you feel that the release date set for you is unfair or  
3 is not based on complete information required to be considered  
4 by the Board, you may request that the Board reconsider the  
5 date. In your request you must set forth specific reasons why  
6 you feel the Board's release date is unfair and you may submit  
7 relevant material in support of your request.

8 The Department of Corrections is obligated to assist you in  
9 that effort, if you ask it to do so.

10 The Board will notify you within 60 days whether or not it  
11 will reconsider its decision. The Board's decision with respect  
12 to reconsidering your release date is final and cannot be  
13 appealed to any court.

14 If the Board decides not to reconsider your case you will  
15 have 60 days in which to decide whether to accept the release  
16 date and waive your right to parole or to continue under the  
17 parole system. If you do nothing within 60 days after you  
18 receive notification of the Board's decision you will remain  
19 under the parole system.

20 If the Board decides to reconsider its decision with  
21 respect to your release date, the Board will schedule a date  
22 for reconsideration as soon as practicable, but no later than  
23 60 days from the date it receives your request, and give you at  
24 least 30 days notice. You may submit material to the Board  
25 which you believe will be helpful in deciding a proper date for  
26 your release. The Department of Corrections is obligated to

1 assist you in that effort, if you ask it to do so.

2 Neither you nor your lawyer has the right to be present on  
3 the date of reconsideration, nor the right to call witnesses.  
4 However, the Board may ask you or your lawyer to appear or may  
5 ask to hear witnesses. The Board will base its determination on  
6 the same data on which it made its earlier determination, plus  
7 any new information which may be available to it.

8 When the Board has made its decision you will be informed  
9 of the release date. In no event will it be longer than the  
10 release date originally determined. From this date you may  
11 continue to accumulate good conduct credits at the maximum  
12 rate. You will not be able to appeal the Board's decision to a  
13 court.

14 Following the Board's reconsideration and upon being  
15 notified of your release date you will have 60 days in which to  
16 decide whether to accept the release date and waive your right  
17 to parole or to continue under the parole system. If you do  
18 nothing within 60 days after notification of the Board's  
19 decision you will remain under the parole system."

20 (d) The Board shall provide each eligible offender with a  
21 form substantially as follows:

22 "I (name of offender) am fully aware of my right to choose  
23 between parole eligibility and a fixed release date. I know  
24 that if I accept the release date established, I will give up  
25 my right to seek parole. I have read and understood the  
26 Prisoner Review Board's letter, and I know how and under what

1 circumstances the Board has set my release date. I know that I  
2 will be released on that date and will be released earlier if I  
3 accumulate good conduct credit. I know that the date set by the  
4 Board is final, and can't be appealed to a court.

5 Fully aware of all the implications, I expressly and  
6 knowingly waive my right to seek parole and accept the release  
7 date as established by the Prisoner Review Board."

8 (e) The Board shall use the following information and  
9 standards in establishing a release date for each eligible  
10 offender who requests that a date be set:

11 (1) Such information as would be considered in a parole  
12 hearing under Section 3-3-4 of this Code;

13 (2) The intent of the court in imposing the offender's  
14 sentence;

15 (3) The present schedule for similar offenses provided  
16 by Articles 4.5 and 5 of Chapter V of this Code;

17 (4) Factors in aggravation and mitigation of sentence  
18 as provided in Sections 5-5-3.1 and 5-5-3.2 of this Code;

19 (5) The rate of accumulating good conduct credits  
20 provided by Section 3-6-3 of this Code;

21 (6) The offender's behavior since commitment to the  
22 Department.

23 (f) After the release date is set by the Board, the  
24 offender can accumulate good conduct credits in accordance with  
25 Section 3-6-3 of this Code.

26 (g) The release date established by the Board shall not be

1 sooner than the earliest date that the offender would have been  
2 eligible for release under the sentence imposed on him by the  
3 court, less time credit previously earned for good behavior,  
4 nor shall it be later than the latest date at which the  
5 offender would have been eligible for release under such  
6 sentence, less time credit previously earned for good behavior.

7 (h) (1) Except as provided in subsection (b), each prisoner  
8 appearing at his next parole hearing subsequent to the  
9 effective date of the amendatory Act of 1977, shall be notified  
10 within 7 days of the hearing that he will either be released on  
11 parole or that a release date has been set by the Board. The  
12 notice and waiver form provided for in subsections (c) and (d)  
13 shall be presented to eligible prisoners no later than 7 days  
14 following their parole hearing. A written statement of the  
15 basis for the decision with regard to the release date set  
16 shall be given to such prisoners no later than 14 days  
17 following the parole hearing.

18 (2) Each prisoner upon notification of his release date  
19 shall have 60 days to choose whether to remain under the parole  
20 system or to accept the release date established by the Board.  
21 No release date shall be effective unless the prisoner waives  
22 his right to parole in writing. If no choice is made by such  
23 prisoner within 60 days from the date of his notification of a  
24 release date, such prisoner shall remain under the parole  
25 system.

26 (3) Within the 60 day period as provided in paragraph (2)

1 of this subsection, a prisoner may request that the Board  
2 reconsider its decision with regard to such prisoner's release  
3 date. No later than 60 days following receipt of such request  
4 for reconsideration, the Board shall notify the prisoner as to  
5 whether or not it will reconsider such prisoner's release date.  
6 No court shall have jurisdiction to review the Board's  
7 decision. No prisoner shall be entitled to more than one  
8 request for reconsideration of his release date.

9 (A) If the Board decides not to reconsider the release  
10 date, the prisoner shall have 60 days to choose whether to  
11 remain under the parole system or to accept the release  
12 date established by the Board. No release date shall be  
13 effective unless the prisoner waives his right to parole in  
14 writing. If no choice is made by such prisoner within 60  
15 days from the date of the notification by the Board  
16 refusing to reconsider his release date, such prisoner  
17 shall remain under the parole system.

18 (B) If the Board decides to reconsider its decision  
19 with respect to such release date, the Board shall schedule  
20 a date for reconsideration as soon as practicable, but no  
21 later than 60 days from the date of the prisoner's request,  
22 and give such prisoner at least 30 days notice. Such  
23 prisoner may submit any relevant material to the Board  
24 which would aid in ascertaining a proper release date. The  
25 Department of Corrections shall assist any such prisoner if  
26 asked to do so.

1           Neither the prisoner nor his lawyer has the right to be  
2 present on the date of reconsideration, nor the right to  
3 call witnesses. However, the Board may ask such prisoner or  
4 his or her lawyer to appear or may ask to hear witnesses.  
5 The Board shall base its determination on the factors  
6 specified in subsection (e), plus any new information which  
7 may be available to it.

8           (C) When the Board has made its decision, the prisoner  
9 shall be informed of the release date as provided for in  
10 subsection (c) no later than 7 days following the  
11 reconsideration. In no event shall such release date be  
12 longer than the release date originally determined. The  
13 decision of the Board is final. No court shall have  
14 jurisdiction to review the Board's decision.

15           Following the Board's reconsideration and its notification  
16 to the prisoner of his or her release date, such prisoner shall  
17 have 60 days from the date of such notice in which to decide  
18 whether to accept the release date and waive his or her right  
19 to parole or to continue under the parole system. If such  
20 prisoner does nothing within 60 days after notification of the  
21 Board's decision, he or she shall remain under the parole  
22 system.

23           (Source: P.A. 95-1052, eff. 7-1-09; revised 11-4-09.)

24           (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

25           Sec. 3-3-7. Conditions of Parole or Mandatory Supervised

1 Release.

2 (a) The conditions of parole or mandatory supervised  
3 release shall be such as the Prisoner Review Board deems  
4 necessary to assist the subject in leading a law-abiding life.  
5 The conditions of every parole and mandatory supervised release  
6 are that the subject:

7 (1) not violate any criminal statute of any  
8 jurisdiction during the parole or release term;

9 (2) refrain from possessing a firearm or other  
10 dangerous weapon;

11 (3) report to an agent of the Department of  
12 Corrections;

13 (4) permit the agent to visit him or her at his or her  
14 home, employment, or elsewhere to the extent necessary for  
15 the agent to discharge his or her duties;

16 (5) attend or reside in a facility established for the  
17 instruction or residence of persons on parole or mandatory  
18 supervised release;

19 (6) secure permission before visiting or writing a  
20 committed person in an Illinois Department of Corrections  
21 facility;

22 (7) report all arrests to an agent of the Department of  
23 Corrections as soon as permitted by the arresting authority  
24 but in no event later than 24 hours after release from  
25 custody;

26 (7.5) if convicted of a sex offense as defined in the

1 Sex Offender Management Board Act, the individual shall  
2 undergo and successfully complete sex offender treatment  
3 conducted in conformance with the standards developed by  
4 the Sex Offender Management Board Act by a treatment  
5 provider approved by the Board;

6 (7.6) if convicted of a sex offense as defined in the  
7 Sex Offender Management Board Act, refrain from residing at  
8 the same address or in the same condominium unit or  
9 apartment unit or in the same condominium complex or  
10 apartment complex with another person he or she knows or  
11 reasonably should know is a convicted sex offender or has  
12 been placed on supervision for a sex offense; the  
13 provisions of this paragraph do not apply to a person  
14 convicted of a sex offense who is placed in a Department of  
15 Corrections licensed transitional housing facility for sex  
16 offenders, or is in any facility operated or licensed by  
17 the Department of Children and Family Services or by the  
18 Department of Human Services, or is in any licensed medical  
19 facility;

20 (7.7) if convicted for an offense that would qualify  
21 the accused as a sexual predator under the Sex Offender  
22 Registration Act on or after the effective date of this  
23 amendatory Act of the 94th General Assembly, wear an  
24 approved electronic monitoring device as defined in  
25 Section 5-8A-2 for the duration of the person's parole,  
26 mandatory supervised release term, or extended mandatory

1 supervised release term and if convicted for an offense of  
2 criminal sexual assault, aggravated criminal sexual  
3 assault, predatory criminal sexual assault of a child,  
4 criminal sexual abuse, aggravated criminal sexual abuse,  
5 or ritualized abuse of a child committed on or after August  
6 11, 2009 (the effective date of Public Act 96-236) ~~this~~  
7 ~~amendatory Act of the 96th General Assembly~~ when the victim  
8 was under 18 years of age at the time of the commission of  
9 the offense and the defendant used force or the threat of  
10 force in the commission of the offense wear an approved  
11 electronic monitoring device as defined in Section 5-8A-2  
12 that has Global Positioning System (GPS) capability for the  
13 duration of the person's parole, mandatory supervised  
14 release term, or extended mandatory supervised release  
15 term;

16 (7.8) if convicted for an offense committed on or after  
17 the effective date of this amendatory Act of the 95th  
18 General Assembly that would qualify the accused as a child  
19 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
20 Criminal Code of 1961, refrain from communicating with or  
21 contacting, by means of the Internet, a person who is not  
22 related to the accused and whom the accused reasonably  
23 believes to be under 18 years of age; for purposes of this  
24 paragraph (7.8), "Internet" has the meaning ascribed to it  
25 in Section 16J-5 of the Criminal Code of 1961; and a person  
26 is not related to the accused if the person is not: (i) the

1 spouse, brother, or sister of the accused; (ii) a  
2 descendant of the accused; (iii) a first or second cousin  
3 of the accused; or (iv) a step-child or adopted child of  
4 the accused;

5 (7.9) if convicted under Section 11-6, 11-20.1,  
6 11-20.3, or 11-21 of the Criminal Code of 1961, consent to  
7 search of computers, PDAs, cellular phones, and other  
8 devices under his or her control that are capable of  
9 accessing the Internet or storing electronic files, in  
10 order to confirm Internet protocol addresses reported in  
11 accordance with the Sex Offender Registration Act and  
12 compliance with conditions in this Act;

13 (7.10) if convicted for an offense that would qualify  
14 the accused as a sex offender or sexual predator under the  
15 Sex Offender Registration Act on or after the effective  
16 date of this amendatory Act of the 95th General Assembly,  
17 not possess prescription drugs for erectile dysfunction;

18 (7.11) if convicted for an offense under Section 11-6,  
19 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of the Criminal  
20 Code of 1961, or any attempt to commit any of these  
21 offenses, committed on or after June 1, 2009 (the effective  
22 date of Public Act 95-983):

23 (i) not access or use a computer or any other  
24 device with Internet capability without the prior  
25 written approval of the Department;

26 (ii) submit to periodic unannounced examinations

1 of the offender's computer or any other device with  
2 Internet capability by the offender's supervising  
3 agent, a law enforcement officer, or assigned computer  
4 or information technology specialist, including the  
5 retrieval and copying of all data from the computer or  
6 device and any internal or external peripherals and  
7 removal of such information, equipment, or device to  
8 conduct a more thorough inspection;

9 (iii) submit to the installation on the offender's  
10 computer or device with Internet capability, at the  
11 offender's expense, of one or more hardware or software  
12 systems to monitor the Internet use; and

13 (iv) submit to any other appropriate restrictions  
14 concerning the offender's use of or access to a  
15 computer or any other device with Internet capability  
16 imposed by the Board, the Department or the offender's  
17 supervising agent;

18 (7.12) if convicted of a sex offense as defined in the  
19 Sex Offender Registration Act committed on or after January  
20 1, 2010 (the effective date of Public Act 96-262) ~~this~~  
21 ~~amendatory Act of the 96th General Assembly~~, refrain from  
22 accessing or using a social networking website as defined  
23 in Section 16D-2 of the Criminal Code of 1961;

24 (7.13) ~~(7.12)~~ if convicted of a sex offense as defined  
25 in Section 2 of the Sex Offender Registration Act committed  
26 on or after January 1, 2010 (the effective date of Public

1        Act 96-362) ~~this amendatory Act of the 96th General~~  
2        ~~Assembly~~ that requires the person to register as a sex  
3        offender under that Act, may not knowingly use any computer  
4        scrub software on any computer that the sex offender uses;

5            (8) obtain permission of an agent of the Department of  
6        Corrections before leaving the State of Illinois;

7            (9) obtain permission of an agent of the Department of  
8        Corrections before changing his or her residence or  
9        employment;

10          (10) consent to a search of his or her person,  
11        property, or residence under his or her control;

12          (11) refrain from the use or possession of narcotics or  
13        other controlled substances in any form, or both, or any  
14        paraphernalia related to those substances and submit to a  
15        urinalysis test as instructed by a parole agent of the  
16        Department of Corrections;

17          (12) not frequent places where controlled substances  
18        are illegally sold, used, distributed, or administered;

19          (13) not knowingly associate with other persons on  
20        parole or mandatory supervised release without prior  
21        written permission of his or her parole agent and not  
22        associate with persons who are members of an organized gang  
23        as that term is defined in the Illinois Streetgang  
24        Terrorism Omnibus Prevention Act;

25          (14) provide true and accurate information, as it  
26        relates to his or her adjustment in the community while on

1 parole or mandatory supervised release or to his or her  
2 conduct while incarcerated, in response to inquiries by his  
3 or her parole agent or of the Department of Corrections;

4 (15) follow any specific instructions provided by the  
5 parole agent that are consistent with furthering  
6 conditions set and approved by the Prisoner Review Board or  
7 by law, exclusive of placement on electronic detention, to  
8 achieve the goals and objectives of his or her parole or  
9 mandatory supervised release or to protect the public.  
10 These instructions by the parole agent may be modified at  
11 any time, as the agent deems appropriate;

12 (16) if convicted of a sex offense as defined in  
13 subsection (a-5) of Section 3-1-2 of this Code, unless the  
14 offender is a parent or guardian of the person under 18  
15 years of age present in the home and no non-familial minors  
16 are present, not participate in a holiday event involving  
17 children under 18 years of age, such as distributing candy  
18 or other items to children on Halloween, wearing a Santa  
19 Claus costume on or preceding Christmas, being employed as  
20 a department store Santa Claus, or wearing an Easter Bunny  
21 costume on or preceding Easter; and

22 (17) if convicted of a violation of an order of  
23 protection under Section 12-30 of the Criminal Code of  
24 1961, be placed under electronic surveillance as provided  
25 in Section 5-8A-7 of this Code.

26 (b) The Board may in addition to other conditions require

1 that the subject:

2 (1) work or pursue a course of study or vocational  
3 training;

4 (2) undergo medical or psychiatric treatment, or  
5 treatment for drug addiction or alcoholism;

6 (3) attend or reside in a facility established for the  
7 instruction or residence of persons on probation or parole;

8 (4) support his dependents;

9 (5) (blank);

10 (6) (blank);

11 (7) comply with the terms and conditions of an order of  
12 protection issued pursuant to the Illinois Domestic  
13 Violence Act of 1986, enacted by the 84th General Assembly,  
14 or an order of protection issued by the court of another  
15 state, tribe, or United States territory;

16 (7.5) if convicted for an offense committed on or after  
17 the effective date of this amendatory Act of the 95th  
18 General Assembly that would qualify the accused as a child  
19 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
20 Criminal Code of 1961, refrain from communicating with or  
21 contacting, by means of the Internet, a person who is  
22 related to the accused and whom the accused reasonably  
23 believes to be under 18 years of age; for purposes of this  
24 paragraph (7.5), "Internet" has the meaning ascribed to it  
25 in Section 16J-5 of the Criminal Code of 1961; and a person  
26 is related to the accused if the person is: (i) the spouse,

1 brother, or sister of the accused; (ii) a descendant of the  
2 accused; (iii) a first or second cousin of the accused; or  
3 (iv) a step-child or adopted child of the accused;

4 (7.6) if convicted for an offense committed on or after  
5 June 1, 2009 (the effective date of Public Act 95-983) that  
6 would qualify as a sex offense as defined in the Sex  
7 Offender Registration Act:

8 (i) not access or use a computer or any other  
9 device with Internet capability without the prior  
10 written approval of the Department;

11 (ii) submit to periodic unannounced examinations  
12 of the offender's computer or any other device with  
13 Internet capability by the offender's supervising  
14 agent, a law enforcement officer, or assigned computer  
15 or information technology specialist, including the  
16 retrieval and copying of all data from the computer or  
17 device and any internal or external peripherals and  
18 removal of such information, equipment, or device to  
19 conduct a more thorough inspection;

20 (iii) submit to the installation on the offender's  
21 computer or device with Internet capability, at the  
22 offender's expense, of one or more hardware or software  
23 systems to monitor the Internet use; and

24 (iv) submit to any other appropriate restrictions  
25 concerning the offender's use of or access to a  
26 computer or any other device with Internet capability

1 imposed by the Board, the Department or the offender's  
2 supervising agent; and

3 (8) in addition, if a minor:

4 (i) reside with his parents or in a foster home;

5 (ii) attend school;

6 (iii) attend a non-residential program for youth;

7 or

8 (iv) contribute to his own support at home or in a  
9 foster home.

10 (b-1) In addition to the conditions set forth in  
11 subsections (a) and (b), persons required to register as sex  
12 offenders pursuant to the Sex Offender Registration Act, upon  
13 release from the custody of the Illinois Department of  
14 Corrections, may be required by the Board to comply with the  
15 following specific conditions of release:

16 (1) reside only at a Department approved location;

17 (2) comply with all requirements of the Sex Offender  
18 Registration Act;

19 (3) notify third parties of the risks that may be  
20 occasioned by his or her criminal record;

21 (4) obtain the approval of an agent of the Department  
22 of Corrections prior to accepting employment or pursuing a  
23 course of study or vocational training and notify the  
24 Department prior to any change in employment, study, or  
25 training;

26 (5) not be employed or participate in any volunteer

1 activity that involves contact with children, except under  
2 circumstances approved in advance and in writing by an  
3 agent of the Department of Corrections;

4 (6) be electronically monitored for a minimum of 12  
5 months from the date of release as determined by the Board;

6 (7) refrain from entering into a designated geographic  
7 area except upon terms approved in advance by an agent of  
8 the Department of Corrections. The terms may include  
9 consideration of the purpose of the entry, the time of day,  
10 and others accompanying the person;

11 (8) refrain from having any contact, including written  
12 or oral communications, directly or indirectly, personally  
13 or by telephone, letter, or through a third party with  
14 certain specified persons including, but not limited to,  
15 the victim or the victim's family without the prior written  
16 approval of an agent of the Department of Corrections;

17 (9) refrain from all contact, directly or indirectly,  
18 personally, by telephone, letter, or through a third party,  
19 with minor children without prior identification and  
20 approval of an agent of the Department of Corrections;

21 (10) neither possess or have under his or her control  
22 any material that is sexually oriented, sexually  
23 stimulating, or that shows male or female sex organs or any  
24 pictures depicting children under 18 years of age nude or  
25 any written or audio material describing sexual  
26 intercourse or that depicts or alludes to sexual activity,

1 including but not limited to visual, auditory, telephonic,  
2 or electronic media, or any matter obtained through access  
3 to any computer or material linked to computer access use;

4 (11) not patronize any business providing sexually  
5 stimulating or sexually oriented entertainment nor utilize  
6 "900" or adult telephone numbers;

7 (12) not reside near, visit, or be in or about parks,  
8 schools, day care centers, swimming pools, beaches,  
9 theaters, or any other places where minor children  
10 congregate without advance approval of an agent of the  
11 Department of Corrections and immediately report any  
12 incidental contact with minor children to the Department;

13 (13) not possess or have under his or her control  
14 certain specified items of contraband related to the  
15 incidence of sexually offending as determined by an agent  
16 of the Department of Corrections;

17 (14) may be required to provide a written daily log of  
18 activities if directed by an agent of the Department of  
19 Corrections;

20 (15) comply with all other special conditions that the  
21 Department may impose that restrict the person from  
22 high-risk situations and limit access to potential  
23 victims;

24 (16) take an annual polygraph exam;

25 (17) maintain a log of his or her travel; or

26 (18) obtain prior approval of his or her parole officer

1 before driving alone in a motor vehicle.

2 (c) The conditions under which the parole or mandatory  
3 supervised release is to be served shall be communicated to the  
4 person in writing prior to his release, and he shall sign the  
5 same before release. A signed copy of these conditions,  
6 including a copy of an order of protection where one had been  
7 issued by the criminal court, shall be retained by the person  
8 and another copy forwarded to the officer in charge of his  
9 supervision.

10 (d) After a hearing under Section 3-3-9, the Prisoner  
11 Review Board may modify or enlarge the conditions of parole or  
12 mandatory supervised release.

13 (e) The Department shall inform all offenders committed to  
14 the Department of the optional services available to them upon  
15 release and shall assist inmates in availing themselves of such  
16 optional services upon their release on a voluntary basis.

17 (f) When the subject is in compliance with all conditions  
18 of his or her parole or mandatory supervised release, the  
19 subject shall receive a reduction of the period of his or her  
20 parole or mandatory supervised release of 90 days upon passage  
21 of the high school level Test of General Educational  
22 Development during the period of his or her parole or mandatory  
23 supervised release. This reduction in the period of a subject's  
24 term of parole or mandatory supervised release shall be  
25 available only to subjects who have not previously earned a  
26 high school diploma or who have not previously passed the high

1 school level Test of General Educational Development.  
2 (Source: P.A. 95-464, eff. 6-1-08; 95-539, eff. 1-1-08; 95-579,  
3 eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09; 95-876,  
4 eff. 8-21-08; 95-983, eff. 6-1-09; 96-236, eff. 8-11-09;  
5 96-262, eff. 1-1-10; 96-328, eff. 8-11-09; 96-362, eff. 1-1-10;  
6 revised 9-25-09.)

7 (730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)

8 Sec. 5-4-3. Persons convicted of, or found delinquent for,  
9 certain offenses or institutionalized as sexually dangerous;  
10 specimens; genetic marker groups.

11 (a) Any person convicted of, found guilty under the  
12 Juvenile Court Act of 1987 for, or who received a disposition  
13 of court supervision for, a qualifying offense or attempt of a  
14 qualifying offense, convicted or found guilty of any offense  
15 classified as a felony under Illinois law, convicted or found  
16 guilty of any offense requiring registration under the Sex  
17 Offender Registration Act, found guilty or given supervision  
18 for any offense classified as a felony under the Juvenile Court  
19 Act of 1987, convicted or found guilty of, under the Juvenile  
20 Court Act of 1987, any offense requiring registration under the  
21 Sex Offender Registration Act, or institutionalized as a  
22 sexually dangerous person under the Sexually Dangerous Persons  
23 Act, or committed as a sexually violent person under the  
24 Sexually Violent Persons Commitment Act shall, regardless of  
25 the sentence or disposition imposed, be required to submit

1 specimens of blood, saliva, or tissue to the Illinois  
2 Department of State Police in accordance with the provisions of  
3 this Section, provided such person is:

4 (1) convicted of a qualifying offense or attempt of a  
5 qualifying offense on or after July 1, 1990 and sentenced  
6 to a term of imprisonment, periodic imprisonment, fine,  
7 probation, conditional discharge or any other form of  
8 sentence, or given a disposition of court supervision for  
9 the offense;

10 (1.5) found guilty or given supervision under the  
11 Juvenile Court Act of 1987 for a qualifying offense or  
12 attempt of a qualifying offense on or after January 1,  
13 1997;

14 (2) ordered institutionalized as a sexually dangerous  
15 person on or after July 1, 1990;

16 (3) convicted of a qualifying offense or attempt of a  
17 qualifying offense before July 1, 1990 and is presently  
18 confined as a result of such conviction in any State  
19 correctional facility or county jail or is presently  
20 serving a sentence of probation, conditional discharge or  
21 periodic imprisonment as a result of such conviction;

22 (3.5) convicted or found guilty of any offense  
23 classified as a felony under Illinois law or found guilty  
24 or given supervision for such an offense under the Juvenile  
25 Court Act of 1987 on or after August 22, 2002;

26 (4) presently institutionalized as a sexually

1 dangerous person or presently institutionalized as a  
2 person found guilty but mentally ill of a sexual offense or  
3 attempt to commit a sexual offense;

4 (4.5) ordered committed as a sexually violent person on  
5 or after the effective date of the Sexually Violent Persons  
6 Commitment Act; or

7 (5) seeking transfer to or residency in Illinois under  
8 Sections 3-3-11.05 through 3-3-11.5 of the Unified Code of  
9 Corrections and the Interstate Compact for Adult Offender  
10 Supervision or the Interstate Agreements on Sexually  
11 Dangerous Persons Act.

12 Notwithstanding other provisions of this Section, any  
13 person incarcerated in a facility of the Illinois Department of  
14 Corrections or the Illinois Department of Juvenile Justice on  
15 or after August 22, 2002, whether for a term of years, natural  
16 life, or a sentence of death, who has not yet submitted a  
17 sample of blood, saliva, or tissue shall be required to submit  
18 a specimen of blood, saliva, or tissue prior to his or her  
19 final discharge, or release on parole or mandatory supervised  
20 release, as a condition of his or her parole or mandatory  
21 supervised release, or within 6 months from August 13, 2009  
22 (the effective date of Public Act 96-426) ~~the effective date of~~  
23 ~~this amendatory Act of the 96th General Assembly~~, whichever is  
24 sooner. A person ~~Persons~~ incarcerated on or after August 13,  
25 2009 (the effective date of Public Act 96-426) ~~the effective~~  
26 ~~date of this amendatory Act of the 96th General Assembly~~ shall

1 be required to submit a sample within 45 days of incarceration,  
2 or prior to his or her final discharge, or release on parole or  
3 mandatory supervised release, as a condition of his or her  
4 parole or mandatory supervised release, whichever is sooner.  
5 These specimens shall be placed into the State or national DNA  
6 database, to be used in accordance with other provisions of  
7 this Section, by the Illinois State Police.

8 Notwithstanding other provisions of this Section, any  
9 person sentenced to life imprisonment in a facility of the  
10 Illinois Department of Corrections after the effective date of  
11 this amendatory Act of the 94th General Assembly or sentenced  
12 to death after the effective date of this amendatory Act of the  
13 94th General Assembly shall be required to provide a specimen  
14 of blood, saliva, or tissue within 45 days after sentencing or  
15 disposition at a collection site designated by the Illinois  
16 Department of State Police. Any person serving a sentence of  
17 life imprisonment in a facility of the Illinois Department of  
18 Corrections on the effective date of this amendatory Act of the  
19 94th General Assembly or any person who is under a sentence of  
20 death on the effective date of this amendatory Act of the 94th  
21 General Assembly shall be required to provide a specimen of  
22 blood, saliva, or tissue upon request at a collection site  
23 designated by the Illinois Department of State Police.

24 (a-5) Any person who was otherwise convicted of or received  
25 a disposition of court supervision for any other offense under  
26 the Criminal Code of 1961 or who was found guilty or given

1 supervision for such a violation under the Juvenile Court Act  
2 of 1987, may, regardless of the sentence imposed, be required  
3 by an order of the court to submit specimens of blood, saliva,  
4 or tissue to the Illinois Department of State Police in  
5 accordance with the provisions of this Section.

6 (b) Any person required by paragraphs (a)(1), (a)(1.5),  
7 (a)(2), (a)(3.5), and (a-5) to provide specimens of blood,  
8 saliva, or tissue shall provide specimens of blood, saliva, or  
9 tissue within 45 days after sentencing or disposition at a  
10 collection site designated by the Illinois Department of State  
11 Police.

12 (c) Any person required by paragraphs (a)(3), (a)(4), and  
13 (a)(4.5) to provide specimens of blood, saliva, or tissue shall  
14 be required to provide such samples prior to final discharge or  
15 within 6 months from August 13, 2009 (the effective date of  
16 Public Act 96-426) ~~the effective date of this amendatory Act of~~  
17 ~~the 96th General Assembly~~, whichever is sooner. These specimens  
18 shall be placed into the State or national DNA database, to be  
19 used in accordance with other provisions of this Act, by the  
20 Illinois State Police.

21 (c-5) Any person required by paragraph (a)(5) to provide  
22 specimens of blood, saliva, or tissue shall, where feasible, be  
23 required to provide the specimens before being accepted for  
24 conditioned residency in Illinois under the interstate compact  
25 or agreement, but no later than 45 days after arrival in this  
26 State.

1           (c-6) The Illinois Department of State Police may determine  
2 which type of specimen or specimens, blood, saliva, or tissue,  
3 is acceptable for submission to the Division of Forensic  
4 Services for analysis.

5           (d) The Illinois Department of State Police shall provide  
6 all equipment and instructions necessary for the collection of  
7 blood samples. The collection of samples shall be performed in  
8 a medically approved manner. Only a physician authorized to  
9 practice medicine, a registered nurse or other qualified person  
10 trained in venipuncture may withdraw blood for the purposes of  
11 this Act. The samples shall thereafter be forwarded to the  
12 Illinois Department of State Police, Division of Forensic  
13 Services, for analysis and categorizing into genetic marker  
14 groupings.

15           (d-1) The Illinois Department of State Police shall provide  
16 all equipment and instructions necessary for the collection of  
17 saliva samples. The collection of saliva samples shall be  
18 performed in a medically approved manner. Only a person trained  
19 in the instructions promulgated by the Illinois State Police on  
20 collecting saliva may collect saliva for the purposes of this  
21 Section. The samples shall thereafter be forwarded to the  
22 Illinois Department of State Police, Division of Forensic  
23 Services, for analysis and categorizing into genetic marker  
24 groupings.

25           (d-2) The Illinois Department of State Police shall provide  
26 all equipment and instructions necessary for the collection of

1 tissue samples. The collection of tissue samples shall be  
2 performed in a medically approved manner. Only a person trained  
3 in the instructions promulgated by the Illinois State Police on  
4 collecting tissue may collect tissue for the purposes of this  
5 Section. The samples shall thereafter be forwarded to the  
6 Illinois Department of State Police, Division of Forensic  
7 Services, for analysis and categorizing into genetic marker  
8 groupings.

9 (d-5) To the extent that funds are available, the Illinois  
10 Department of State Police shall contract with qualified  
11 personnel and certified laboratories for the collection,  
12 analysis, and categorization of known samples, except as  
13 provided in subsection (n) of this Section.

14 (d-6) Agencies designated by the Illinois Department of  
15 State Police and the Illinois Department of State Police may  
16 contract with third parties to provide for the collection or  
17 analysis of DNA, or both, of an offender's blood, saliva, and  
18 tissue samples, except as provided in subsection (n) of this  
19 Section.

20 (e) The genetic marker groupings shall be maintained by the  
21 Illinois Department of State Police, Division of Forensic  
22 Services.

23 (f) The genetic marker grouping analysis information  
24 obtained pursuant to this Act shall be confidential and shall  
25 be released only to peace officers of the United States, of  
26 other states or territories, of the insular possessions of the

1 United States, of foreign countries duly authorized to receive  
2 the same, to all peace officers of the State of Illinois and to  
3 all prosecutorial agencies, and to defense counsel as provided  
4 by Section 116-5 of the Code of Criminal Procedure of 1963. The  
5 genetic marker grouping analysis information obtained pursuant  
6 to this Act shall be used only for (i) valid law enforcement  
7 identification purposes and as required by the Federal Bureau  
8 of Investigation for participation in the National DNA  
9 database, (ii) technology validation purposes, (iii) a  
10 population statistics database, (iv) quality assurance  
11 purposes if personally identifying information is removed, (v)  
12 assisting in the defense of the criminally accused pursuant to  
13 Section 116-5 of the Code of Criminal Procedure of 1963, or  
14 (vi) identifying and assisting in the prosecution of a person  
15 who is suspected of committing a sexual assault as defined in  
16 Section 1a of the Sexual Assault Survivors Emergency Treatment  
17 Act. Notwithstanding any other statutory provision to the  
18 contrary, all information obtained under this Section shall be  
19 maintained in a single State data base, which may be uploaded  
20 into a national database, and which information may be subject  
21 to expungement only as set forth in subsection (f-1).

22 (f-1) Upon receipt of notification of a reversal of a  
23 conviction based on actual innocence, or of the granting of a  
24 pardon pursuant to Section 12 of Article V of the Illinois  
25 Constitution, if that pardon document specifically states that  
26 the reason for the pardon is the actual innocence of an

1 individual whose DNA record has been stored in the State or  
2 national DNA identification index in accordance with this  
3 Section by the Illinois Department of State Police, the DNA  
4 record shall be expunged from the DNA identification index, and  
5 the Department shall by rule prescribe procedures to ensure  
6 that the record and any samples, analyses, or other documents  
7 relating to such record, whether in the possession of the  
8 Department or any law enforcement or police agency, or any  
9 forensic DNA laboratory, including any duplicates or copies  
10 thereof, are destroyed and a letter is sent to the court  
11 verifying the expungement is completed.

12 (f-5) Any person who intentionally uses genetic marker  
13 grouping analysis information, or any other information  
14 derived from a DNA sample, beyond the authorized uses as  
15 provided under this Section, or any other Illinois law, is  
16 guilty of a Class 4 felony, and shall be subject to a fine of  
17 not less than \$5,000.

18 (f-6) The Illinois Department of State Police may contract  
19 with third parties for the purposes of implementing this  
20 amendatory Act of the 93rd General Assembly, except as provided  
21 in subsection (n) of this Section. Any other party contracting  
22 to carry out the functions of this Section shall be subject to  
23 the same restrictions and requirements of this Section insofar  
24 as applicable, as the Illinois Department of State Police, and  
25 to any additional restrictions imposed by the Illinois  
26 Department of State Police.

1 (g) For the purposes of this Section, "qualifying offense"  
2 means any of the following:

3 (1) any violation or inchoate violation of Section  
4 11-6, 11-9.1, 11-11, 11-18.1, 12-15, or 12-16 of the  
5 Criminal Code of 1961;

6 (1.1) any violation or inchoate violation of Section  
7 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2, 18-3,  
8 18-4, 19-1, or 19-2 of the Criminal Code of 1961 for which  
9 persons are convicted on or after July 1, 2001;

10 (2) any former statute of this State which defined a  
11 felony sexual offense;

12 (3) (blank);

13 (4) any inchoate violation of Section 9-3.1, 11-9.3,  
14 12-7.3, or 12-7.4 of the Criminal Code of 1961; or

15 (5) any violation or inchoate violation of Article 29D  
16 of the Criminal Code of 1961.

17 (g-5) (Blank).

18 (h) The Illinois Department of State Police shall be the  
19 State central repository for all genetic marker grouping  
20 analysis information obtained pursuant to this Act. The  
21 Illinois Department of State Police may promulgate rules for  
22 the form and manner of the collection of blood, saliva, or  
23 tissue samples and other procedures for the operation of this  
24 Act. The provisions of the Administrative Review Law shall  
25 apply to all actions taken under the rules so promulgated.

26 (i) (1) A person required to provide a blood, saliva, or

1 tissue specimen shall cooperate with the collection of the  
2 specimen and any deliberate act by that person intended to  
3 impede, delay or stop the collection of the blood, saliva,  
4 or tissue specimen is a Class A misdemeanor.

5 (2) In the event that a person's DNA sample is not  
6 adequate for any reason, the person shall provide another  
7 DNA sample for analysis. Duly authorized law enforcement  
8 and corrections personnel may employ reasonable force in  
9 cases in which an individual refuses to provide a DNA  
10 sample required under this Act.

11 (j) Any person required by subsection (a) to submit  
12 specimens of blood, saliva, or tissue to the Illinois  
13 Department of State Police for analysis and categorization into  
14 genetic marker grouping, in addition to any other disposition,  
15 penalty, or fine imposed, shall pay an analysis fee of \$200. If  
16 the analysis fee is not paid at the time of sentencing, the  
17 court shall establish a fee schedule by which the entire amount  
18 of the analysis fee shall be paid in full, such schedule not to  
19 exceed 24 months from the time of conviction. The inability to  
20 pay this analysis fee shall not be the sole ground to  
21 incarcerate the person.

22 (k) All analysis and categorization fees provided for by  
23 subsection (j) shall be regulated as follows:

24 (1) The State Offender DNA Identification System Fund  
25 is hereby created as a special fund in the State Treasury.

26 (2) All fees shall be collected by the clerk of the

1 court and forwarded to the State Offender DNA  
2 Identification System Fund for deposit. The clerk of the  
3 circuit court may retain the amount of \$10 from each  
4 collected analysis fee to offset administrative costs  
5 incurred in carrying out the clerk's responsibilities  
6 under this Section.

7 (3) Fees deposited into the State Offender DNA  
8 Identification System Fund shall be used by Illinois State  
9 Police crime laboratories as designated by the Director of  
10 State Police. These funds shall be in addition to any  
11 allocations made pursuant to existing laws and shall be  
12 designated for the exclusive use of State crime  
13 laboratories. These uses may include, but are not limited  
14 to, the following:

15 (A) Costs incurred in providing analysis and  
16 genetic marker categorization as required by  
17 subsection (d).

18 (B) Costs incurred in maintaining genetic marker  
19 groupings as required by subsection (e).

20 (C) Costs incurred in the purchase and maintenance  
21 of equipment for use in performing analyses.

22 (D) Costs incurred in continuing research and  
23 development of new techniques for analysis and genetic  
24 marker categorization.

25 (E) Costs incurred in continuing education,  
26 training, and professional development of forensic

1 scientists regularly employed by these laboratories.

2 (l) The failure of a person to provide a specimen, or of  
3 any person or agency to collect a specimen, within the 45 day  
4 period shall in no way alter the obligation of the person to  
5 submit such specimen, or the authority of the Illinois  
6 Department of State Police or persons designated by the  
7 Department to collect the specimen, or the authority of the  
8 Illinois Department of State Police to accept, analyze and  
9 maintain the specimen or to maintain or upload results of  
10 genetic marker grouping analysis information into a State or  
11 national database.

12 (m) If any provision of this amendatory Act of the 93rd  
13 General Assembly is held unconstitutional or otherwise  
14 invalid, the remainder of this amendatory Act of the 93rd  
15 General Assembly is not affected.

16 (n) Neither the Department of State Police, the Division of  
17 Forensic Services, nor any laboratory of the Division of  
18 Forensic Services may contract out forensic testing for the  
19 purpose of an active investigation or a matter pending before a  
20 court of competent jurisdiction without the written consent of  
21 the prosecuting agency. For the purposes of this subsection  
22 (n), "forensic testing" includes the analysis of physical  
23 evidence in an investigation or other proceeding for the  
24 prosecution of a violation of the Criminal Code of 1961 or for  
25 matters adjudicated under the Juvenile Court Act of 1987, and  
26 includes the use of forensic databases and databanks, including

1 DNA, firearm, and fingerprint databases, and expert testimony.  
2 (Source: P.A. 96-426, eff. 8-13-09; 96-642, eff. 8-24-09;  
3 revised 9-15-09.)

4 (730 ILCS 5/5-4.5-15)

5 Sec. 5-4.5-15. DISPOSITIONS.

6 (a) APPROPRIATE DISPOSITIONS. The following are  
7 appropriate dispositions, alone or in combination, for all  
8 felonies and misdemeanors other than as provided in Section  
9 5-5-3 (730 ILCS 5/5-5-3) or as specifically provided in the  
10 statute defining the offense or elsewhere:

11 (1) A period of probation.

12 (2) A term of periodic imprisonment.

13 (3) A term of conditional discharge.

14 (4) A term of imprisonment.

15 (5) A fine.

16 (6) Restitution to the victim.

17 (7) Participation in an impact incarceration program.

18 (8) A term of imprisonment in combination with a term  
19 of probation when the offender has been admitted into a  
20 drug court program.

21 (9) If the defendant is convicted of arson, aggravated  
22 arson, residential arson, or place of worship arson, an  
23 order directing the offender to reimburse the local  
24 emergency response department for the costs of responding  
25 to the fire that the offender was convicted of setting in

1 accordance with the Emergency Services Response  
2 Reimbursement for Criminal Convictions Act.

3 (b) FINE; RESTITUTION; NOT SOLE DISPOSITION. Neither a fine  
4 nor restitution shall be the sole disposition for a felony, and  
5 either or both may be imposed only in conjunction with another  
6 disposition.

7 (c) PAROLE; MANDATORY SUPERVISED RELEASE. Except when a  
8 term of natural life is imposed, every sentence includes a term  
9 in addition to the term of imprisonment. For those sentenced  
10 under the law in effect before February 1, 1978, that term is a  
11 parole term. For those sentenced on or after February 1, 1978,  
12 that term is a mandatory supervised release term.

13 (Source: P.A. 95-1052, eff. 7-1-09; incorporates P.A. 96-400,  
14 eff. 8-13-09; revised 9-25-09.)

15 (730 ILCS 5/5-4.5-100)

16 Sec. 5-4.5-100. CALCULATION OF TERM OF IMPRISONMENT.

17 (a) COMMENCEMENT. A sentence of imprisonment shall  
18 commence on the date on which the offender is received by the  
19 Department or the institution at which the sentence is to be  
20 served.

21 (b) CREDIT; TIME IN CUSTODY; SAME CHARGE. Except as set  
22 forth in subsection (e), the ~~The~~ offender shall be given credit  
23 on the determinate sentence or maximum term and the minimum  
24 period of imprisonment for time spent in custody as a result of  
25 the offense for which the sentence was imposed, at the rate

1 specified in Section 3-6-3 (730 ILCS 5/3-6-3). Except when  
2 prohibited by subsection (d), the trial court may give credit  
3 to the defendant for time spent in home detention, or when the  
4 defendant has been confined for psychiatric or substance abuse  
5 treatment prior to judgment, if the court finds that the  
6 detention or confinement was custodial.

7 (c) CREDIT; TIME IN CUSTODY; FORMER CHARGE. An offender  
8 arrested on one charge and prosecuted on another charge for  
9 conduct that occurred prior to his or her arrest shall be given  
10 credit on the determinate sentence or maximum term and the  
11 minimum term of imprisonment for time spent in custody under  
12 the former charge not credited against another sentence.

13 (d) NO CREDIT; SOME HOME DETENTION. An offender sentenced  
14 to a term of imprisonment for an offense listed in paragraph  
15 (2) of subsection (c) of Section 5-5-3 (730 ILCS 5/5-5-3) or in  
16 paragraph (3) of subsection (c-1) of Section 11-501 of the  
17 Illinois Vehicle Code (625 ILCS 5/11-501) shall not receive  
18 credit for time spent in home detention prior to judgment.

19 (e) NO CREDIT; REVOCATION OF PAROLE, MANDATORY SUPERVISED  
20 RELEASE, OR PROBATION. An offender charged with the commission  
21 of an offense committed while on parole, mandatory supervised  
22 release, or probation shall not be given credit for time spent  
23 in custody under subsection (b) for that offense for any time  
24 spent in custody as a result of a revocation of parole,  
25 mandatory supervised release, or probation where such  
26 revocation is based on a sentence imposed for a previous

1 conviction, regardless of the facts upon which the revocation  
2 of parole, mandatory supervised release, or probation is based,  
3 unless both the State and the defendant agree that the time  
4 served for a violation of mandatory supervised release, parole,  
5 or probation shall be credited towards the sentence for the  
6 current offense.

7 (Source: P.A. 95-1052, eff. 7-1-09; incorporates 96-427, eff.  
8 8-13-09; revised 9-15-09.)

9 (730 ILCS 5/5-5-3.2) (from Ch. 38, par. 1005-5-3.2)

10 (Text of Section before amendment by P.A. 96-339)

11 Sec. 5-5-3.2. Factors in Aggravation.

12 (a) The following factors shall be accorded weight in favor  
13 of imposing a term of imprisonment or may be considered by the  
14 court as reasons to impose a more severe sentence under Section  
15 5-8-1 or Article 4.5 of Chapter V:

16 (1) the defendant's conduct caused or threatened  
17 serious harm;

18 (2) the defendant received compensation for committing  
19 the offense;

20 (3) the defendant has a history of prior delinquency or  
21 criminal activity;

22 (4) the defendant, by the duties of his office or by  
23 his position, was obliged to prevent the particular offense  
24 committed or to bring the offenders committing it to  
25 justice;

1           (5) the defendant held public office at the time of the  
2 offense, and the offense related to the conduct of that  
3 office;

4           (6) the defendant utilized his professional reputation  
5 or position in the community to commit the offense, or to  
6 afford him an easier means of committing it;

7           (7) the sentence is necessary to deter others from  
8 committing the same crime;

9           (8) the defendant committed the offense against a  
10 person 60 years of age or older or such person's property;

11           (9) the defendant committed the offense against a  
12 person who is physically handicapped or such person's  
13 property;

14           (10) by reason of another individual's actual or  
15 perceived race, color, creed, religion, ancestry, gender,  
16 sexual orientation, physical or mental disability, or  
17 national origin, the defendant committed the offense  
18 against (i) the person or property of that individual; (ii)  
19 the person or property of a person who has an association  
20 with, is married to, or has a friendship with the other  
21 individual; or (iii) the person or property of a relative  
22 (by blood or marriage) of a person described in clause (i)  
23 or (ii). For the purposes of this Section, "sexual  
24 orientation" means heterosexuality, homosexuality, or  
25 bisexuality;

26           (11) the offense took place in a place of worship or on

1 the grounds of a place of worship, immediately prior to,  
2 during or immediately following worship services. For  
3 purposes of this subparagraph, "place of worship" shall  
4 mean any church, synagogue or other building, structure or  
5 place used primarily for religious worship;

6 (12) the defendant was convicted of a felony committed  
7 while he was released on bail or his own recognizance  
8 pending trial for a prior felony and was convicted of such  
9 prior felony, or the defendant was convicted of a felony  
10 committed while he was serving a period of probation,  
11 conditional discharge, or mandatory supervised release  
12 under subsection (d) of Section 5-8-1 for a prior felony;

13 (13) the defendant committed or attempted to commit a  
14 felony while he was wearing a bulletproof vest. For the  
15 purposes of this paragraph (13), a bulletproof vest is any  
16 device which is designed for the purpose of protecting the  
17 wearer from bullets, shot or other lethal projectiles;

18 (14) the defendant held a position of trust or  
19 supervision such as, but not limited to, family member as  
20 defined in Section 12-12 of the Criminal Code of 1961,  
21 teacher, scout leader, baby sitter, or day care worker, in  
22 relation to a victim under 18 years of age, and the  
23 defendant committed an offense in violation of Section  
24 11-6, 11-11, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-13,  
25 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961  
26 against that victim;

1           (15) the defendant committed an offense related to the  
2 activities of an organized gang. For the purposes of this  
3 factor, "organized gang" has the meaning ascribed to it in  
4 Section 10 of the Streetgang Terrorism Omnibus Prevention  
5 Act;

6           (16) the defendant committed an offense in violation of  
7 one of the following Sections while in a school, regardless  
8 of the time of day or time of year; on any conveyance  
9 owned, leased, or contracted by a school to transport  
10 students to or from school or a school related activity; on  
11 the real property of a school; or on a public way within  
12 1,000 feet of the real property comprising any school:  
13 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,  
14 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
15 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or  
16 33A-2 of the Criminal Code of 1961;

17           (16.5) the defendant committed an offense in violation  
18 of one of the following Sections while in a day care  
19 center, regardless of the time of day or time of year; on  
20 the real property of a day care center, regardless of the  
21 time of day or time of year; or on a public way within  
22 1,000 feet of the real property comprising any day care  
23 center, regardless of the time of day or time of year:  
24 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,  
25 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
26 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or

1 33A-2 of the Criminal Code of 1961;

2 (17) the defendant committed the offense by reason of  
3 any person's activity as a community policing volunteer or  
4 to prevent any person from engaging in activity as a  
5 community policing volunteer. For the purpose of this  
6 Section, "community policing volunteer" has the meaning  
7 ascribed to it in Section 2-3.5 of the Criminal Code of  
8 1961;

9 (18) the defendant committed the offense in a nursing  
10 home or on the real property comprising a nursing home. For  
11 the purposes of this paragraph (18), "nursing home" means a  
12 skilled nursing or intermediate long term care facility  
13 that is subject to license by the Illinois Department of  
14 Public Health under the Nursing Home Care Act;

15 (19) the defendant was a federally licensed firearm  
16 dealer and was previously convicted of a violation of  
17 subsection (a) of Section 3 of the Firearm Owners  
18 Identification Card Act and has now committed either a  
19 felony violation of the Firearm Owners Identification Card  
20 Act or an act of armed violence while armed with a firearm;

21 (20) the defendant (i) committed the offense of  
22 reckless homicide under Section 9-3 of the Criminal Code of  
23 1961 or the offense of driving under the influence of  
24 alcohol, other drug or drugs, intoxicating compound or  
25 compounds or any combination thereof under Section 11-501  
26 of the Illinois Vehicle Code or a similar provision of a

1 local ordinance and (ii) was operating a motor vehicle in  
2 excess of 20 miles per hour over the posted speed limit as  
3 provided in Article VI of Chapter 11 of the Illinois  
4 Vehicle Code;

5 (21) the defendant (i) committed the offense of  
6 reckless driving or aggravated reckless driving under  
7 Section 11-503 of the Illinois Vehicle Code and (ii) was  
8 operating a motor vehicle in excess of 20 miles per hour  
9 over the posted speed limit as provided in Article VI of  
10 Chapter 11 of the Illinois Vehicle Code;

11 (22) the defendant committed the offense against a  
12 person that the defendant knew, or reasonably should have  
13 known, was a member of the Armed Forces of the United  
14 States serving on active duty. For purposes of this clause  
15 (22), the term "Armed Forces" means any of the Armed Forces  
16 of the United States, including a member of any reserve  
17 component thereof or National Guard unit called to active  
18 duty;

19 (23) the defendant committed the offense against a  
20 person who was elderly, disabled, or infirm by taking  
21 advantage of a family or fiduciary relationship with the  
22 elderly, disabled, or infirm person; ~~or~~

23 (24) the defendant committed any offense under Section  
24 11-20.1 of the Criminal Code of 1961 and possessed 100 or  
25 more images; ~~or~~

26 (25) the defendant committed the offense while the

1 defendant or the victim was in a train, bus, or other  
2 vehicle used for public transportation; or -

3 (26) ~~(25)~~ the defendant committed the offense of child  
4 pornography or aggravated child pornography, specifically  
5 including paragraph (1), (2), (3), (4), (5), or (7) of  
6 subsection (a) of Section 11-20.1 of the Criminal Code of  
7 1961 where a child engaged in, solicited for, depicted in,  
8 or posed in any act of sexual penetration or bound,  
9 fettered, or subject to sadistic, masochistic, or  
10 sadomasochistic abuse in a sexual context and specifically  
11 including paragraph (1), (2), (3), (4), (5), or (7) of  
12 subsection (a) of Section 11-20.3 of the Criminal Code of  
13 1961 where a child engaged in, solicited for, depicted in,  
14 or posed in any act of sexual penetration or bound,  
15 fettered, or subject to sadistic, masochistic, or  
16 sadomasochistic abuse in a sexual context.

17 For the purposes of this Section:

18 "School" is defined as a public or private elementary or  
19 secondary school, community college, college, or university.

20 "Day care center" means a public or private State certified  
21 and licensed day care center as defined in Section 2.09 of the  
22 Child Care Act of 1969 that displays a sign in plain view  
23 stating that the property is a day care center.

24 "Public transportation" means the transportation or  
25 conveyance of persons by means available to the general public,  
26 and includes paratransit services.

1 (b) The following factors, related to all felonies, may be  
2 considered by the court as reasons to impose an extended term  
3 sentence under Section 5-8-2 upon any offender:

4 (1) When a defendant is convicted of any felony, after  
5 having been previously convicted in Illinois or any other  
6 jurisdiction of the same or similar class felony or greater  
7 class felony, when such conviction has occurred within 10  
8 years after the previous conviction, excluding time spent  
9 in custody, and such charges are separately brought and  
10 tried and arise out of different series of acts; or

11 (2) When a defendant is convicted of any felony and the  
12 court finds that the offense was accompanied by  
13 exceptionally brutal or heinous behavior indicative of  
14 wanton cruelty; or

15 (3) When a defendant is convicted of any felony  
16 committed against:

17 (i) a person under 12 years of age at the time of  
18 the offense or such person's property;

19 (ii) a person 60 years of age or older at the time  
20 of the offense or such person's property; or

21 (iii) a person physically handicapped at the time  
22 of the offense or such person's property; or

23 (4) When a defendant is convicted of any felony and the  
24 offense involved any of the following types of specific  
25 misconduct committed as part of a ceremony, rite,  
26 initiation, observance, performance, practice or activity

1 of any actual or ostensible religious, fraternal, or social  
2 group:

3 (i) the brutalizing or torturing of humans or  
4 animals;

5 (ii) the theft of human corpses;

6 (iii) the kidnapping of humans;

7 (iv) the desecration of any cemetery, religious,  
8 fraternal, business, governmental, educational, or  
9 other building or property; or

10 (v) ritualized abuse of a child; or

11 (5) When a defendant is convicted of a felony other  
12 than conspiracy and the court finds that the felony was  
13 committed under an agreement with 2 or more other persons  
14 to commit that offense and the defendant, with respect to  
15 the other individuals, occupied a position of organizer,  
16 supervisor, financier, or any other position of management  
17 or leadership, and the court further finds that the felony  
18 committed was related to or in furtherance of the criminal  
19 activities of an organized gang or was motivated by the  
20 defendant's leadership in an organized gang; or

21 (6) When a defendant is convicted of an offense  
22 committed while using a firearm with a laser sight attached  
23 to it. For purposes of this paragraph, "laser sight" has  
24 the meaning ascribed to it in Section 24.6-5 of the  
25 Criminal Code of 1961; or

26 (7) When a defendant who was at least 17 years of age

1 at the time of the commission of the offense is convicted  
2 of a felony and has been previously adjudicated a  
3 delinquent minor under the Juvenile Court Act of 1987 for  
4 an act that if committed by an adult would be a Class X or  
5 Class 1 felony when the conviction has occurred within 10  
6 years after the previous adjudication, excluding time  
7 spent in custody; or

8 (8) When a defendant commits any felony and the  
9 defendant used, possessed, exercised control over, or  
10 otherwise directed an animal to assault a law enforcement  
11 officer engaged in the execution of his or her official  
12 duties or in furtherance of the criminal activities of an  
13 organized gang in which the defendant is engaged.

14 (c) The following factors may be considered by the court as  
15 reasons to impose an extended term sentence under Section 5-8-2  
16 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

17 (1) When a defendant is convicted of first degree  
18 murder, after having been previously convicted in Illinois  
19 of any offense listed under paragraph (c)(2) of Section  
20 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred  
21 within 10 years after the previous conviction, excluding  
22 time spent in custody, and the charges are separately  
23 brought and tried and arise out of different series of  
24 acts.

25 (1.5) When a defendant is convicted of first degree  
26 murder, after having been previously convicted of domestic

1 battery (720 ILCS 5/12-3.2) or aggravated domestic battery  
2 (720 ILCS 5/12-3.3) committed on the same victim or after  
3 having been previously convicted of violation of an order  
4 of protection (720 ILCS 5/12-30) in which the same victim  
5 was the protected person.

6 (2) When a defendant is convicted of voluntary  
7 manslaughter, second degree murder, involuntary  
8 manslaughter, or reckless homicide in which the defendant  
9 has been convicted of causing the death of more than one  
10 individual.

11 (3) When a defendant is convicted of aggravated  
12 criminal sexual assault or criminal sexual assault, when  
13 there is a finding that aggravated criminal sexual assault  
14 or criminal sexual assault was also committed on the same  
15 victim by one or more other individuals, and the defendant  
16 voluntarily participated in the crime with the knowledge of  
17 the participation of the others in the crime, and the  
18 commission of the crime was part of a single course of  
19 conduct during which there was no substantial change in the  
20 nature of the criminal objective.

21 (4) If the victim was under 18 years of age at the time  
22 of the commission of the offense, when a defendant is  
23 convicted of aggravated criminal sexual assault or  
24 predatory criminal sexual assault of a child under  
25 subsection (a)(1) of Section 12-14.1 of the Criminal Code  
26 of 1961 (720 ILCS 5/12-14.1).

1           (5) When a defendant is convicted of a felony violation  
2 of Section 24-1 of the Criminal Code of 1961 (720 ILCS  
3 5/24-1) and there is a finding that the defendant is a  
4 member of an organized gang.

5           (6) When a defendant was convicted of unlawful use of  
6 weapons under Section 24-1 of the Criminal Code of 1961  
7 (720 ILCS 5/24-1) for possessing a weapon that is not  
8 readily distinguishable as one of the weapons enumerated in  
9 Section 24-1 of the Criminal Code of 1961 (720 ILCS  
10 5/24-1).

11           (7) When a defendant is convicted of an offense  
12 involving the illegal manufacture of a controlled  
13 substance under Section 401 of the Illinois Controlled  
14 Substances Act (720 ILCS 570/401), the illegal manufacture  
15 of methamphetamine under Section 25 of the Methamphetamine  
16 Control and Community Protection Act (720 ILCS 646/25), or  
17 the illegal possession of explosives and an emergency  
18 response officer in the performance of his or her duties is  
19 killed or injured at the scene of the offense while  
20 responding to the emergency caused by the commission of the  
21 offense. In this paragraph, "emergency" means a situation  
22 in which a person's life, health, or safety is in jeopardy;  
23 and "emergency response officer" means a peace officer,  
24 community policing volunteer, fireman, emergency medical  
25 technician-ambulance,                   emergency                   medical  
26 technician-intermediate,               emergency               medical

1 technician-paramedic, ambulance driver, other medical  
2 assistance or first aid personnel, or hospital emergency  
3 room personnel.

4 (d) For the purposes of this Section, "organized gang" has  
5 the meaning ascribed to it in Section 10 of the Illinois  
6 Streetgang Terrorism Omnibus Prevention Act.

7 (Source: P.A. 95-85, eff. 1-1-08; 95-362, eff. 1-1-08; 95-569,  
8 eff. 6-1-08; 95-876, eff. 8-21-08; 95-942, eff. 1-1-09;  
9 95-1052, eff. 7-1-09; 96-41, eff. 1-1-10; 96-292, eff. 1-1-10;  
10 96-328, eff. 8-11-09; revised 9-25-09.)

11 (Text of Section after amendment by P.A. 96-339)

12 Sec. 5-5-3.2. Factors in Aggravation.

13 (a) The following factors shall be accorded weight in favor  
14 of imposing a term of imprisonment or may be considered by the  
15 court as reasons to impose a more severe sentence under Section  
16 5-8-1 or Article 4.5 of Chapter V:

17 (1) the defendant's conduct caused or threatened  
18 serious harm;

19 (2) the defendant received compensation for committing  
20 the offense;

21 (3) the defendant has a history of prior delinquency or  
22 criminal activity;

23 (4) the defendant, by the duties of his office or by  
24 his position, was obliged to prevent the particular offense  
25 committed or to bring the offenders committing it to

1 justice;

2 (5) the defendant held public office at the time of the  
3 offense, and the offense related to the conduct of that  
4 office;

5 (6) the defendant utilized his professional reputation  
6 or position in the community to commit the offense, or to  
7 afford him an easier means of committing it;

8 (7) the sentence is necessary to deter others from  
9 committing the same crime;

10 (8) the defendant committed the offense against a  
11 person 60 years of age or older or such person's property;

12 (9) the defendant committed the offense against a  
13 person who is physically handicapped or such person's  
14 property;

15 (10) by reason of another individual's actual or  
16 perceived race, color, creed, religion, ancestry, gender,  
17 sexual orientation, physical or mental disability, or  
18 national origin, the defendant committed the offense  
19 against (i) the person or property of that individual; (ii)  
20 the person or property of a person who has an association  
21 with, is married to, or has a friendship with the other  
22 individual; or (iii) the person or property of a relative  
23 (by blood or marriage) of a person described in clause (i)  
24 or (ii). For the purposes of this Section, "sexual  
25 orientation" means heterosexuality, homosexuality, or  
26 bisexuality;

1           (11) the offense took place in a place of worship or on  
2           the grounds of a place of worship, immediately prior to,  
3           during or immediately following worship services. For  
4           purposes of this subparagraph, "place of worship" shall  
5           mean any church, synagogue or other building, structure or  
6           place used primarily for religious worship;

7           (12) the defendant was convicted of a felony committed  
8           while he was released on bail or his own recognizance  
9           pending trial for a prior felony and was convicted of such  
10          prior felony, or the defendant was convicted of a felony  
11          committed while he was serving a period of probation,  
12          conditional discharge, or mandatory supervised release  
13          under subsection (d) of Section 5-8-1 for a prior felony;

14          (13) the defendant committed or attempted to commit a  
15          felony while he was wearing a bulletproof vest. For the  
16          purposes of this paragraph (13), a bulletproof vest is any  
17          device which is designed for the purpose of protecting the  
18          wearer from bullets, shot or other lethal projectiles;

19          (14) the defendant held a position of trust or  
20          supervision such as, but not limited to, family member as  
21          defined in Section 12-12 of the Criminal Code of 1961,  
22          teacher, scout leader, baby sitter, or day care worker, in  
23          relation to a victim under 18 years of age, and the  
24          defendant committed an offense in violation of Section  
25          11-6, 11-11, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-13,  
26          12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961

1 against that victim;

2 (15) the defendant committed an offense related to the  
3 activities of an organized gang. For the purposes of this  
4 factor, "organized gang" has the meaning ascribed to it in  
5 Section 10 of the Streetgang Terrorism Omnibus Prevention  
6 Act;

7 (16) the defendant committed an offense in violation of  
8 one of the following Sections while in a school, regardless  
9 of the time of day or time of year; on any conveyance  
10 owned, leased, or contracted by a school to transport  
11 students to or from school or a school related activity; on  
12 the real property of a school; or on a public way within  
13 1,000 feet of the real property comprising any school:  
14 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,  
15 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
16 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or  
17 33A-2 of the Criminal Code of 1961;

18 (16.5) the defendant committed an offense in violation  
19 of one of the following Sections while in a day care  
20 center, regardless of the time of day or time of year; on  
21 the real property of a day care center, regardless of the  
22 time of day or time of year; or on a public way within  
23 1,000 feet of the real property comprising any day care  
24 center, regardless of the time of day or time of year:  
25 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,  
26 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,

1 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or  
2 33A-2 of the Criminal Code of 1961;

3 (17) the defendant committed the offense by reason of  
4 any person's activity as a community policing volunteer or  
5 to prevent any person from engaging in activity as a  
6 community policing volunteer. For the purpose of this  
7 Section, "community policing volunteer" has the meaning  
8 ascribed to it in Section 2-3.5 of the Criminal Code of  
9 1961;

10 (18) the defendant committed the offense in a nursing  
11 home or on the real property comprising a nursing home. For  
12 the purposes of this paragraph (18), "nursing home" means a  
13 skilled nursing or intermediate long term care facility  
14 that is subject to license by the Illinois Department of  
15 Public Health under the Nursing Home Care Act or the MR/DD  
16 Community Care Act;

17 (19) the defendant was a federally licensed firearm  
18 dealer and was previously convicted of a violation of  
19 subsection (a) of Section 3 of the Firearm Owners  
20 Identification Card Act and has now committed either a  
21 felony violation of the Firearm Owners Identification Card  
22 Act or an act of armed violence while armed with a firearm;

23 (20) the defendant (i) committed the offense of  
24 reckless homicide under Section 9-3 of the Criminal Code of  
25 1961 or the offense of driving under the influence of  
26 alcohol, other drug or drugs, intoxicating compound or

1 compounds or any combination thereof under Section 11-501  
2 of the Illinois Vehicle Code or a similar provision of a  
3 local ordinance and (ii) was operating a motor vehicle in  
4 excess of 20 miles per hour over the posted speed limit as  
5 provided in Article VI of Chapter 11 of the Illinois  
6 Vehicle Code;

7 (21) the defendant (i) committed the offense of  
8 reckless driving or aggravated reckless driving under  
9 Section 11-503 of the Illinois Vehicle Code and (ii) was  
10 operating a motor vehicle in excess of 20 miles per hour  
11 over the posted speed limit as provided in Article VI of  
12 Chapter 11 of the Illinois Vehicle Code;

13 (22) the defendant committed the offense against a  
14 person that the defendant knew, or reasonably should have  
15 known, was a member of the Armed Forces of the United  
16 States serving on active duty. For purposes of this clause  
17 (22), the term "Armed Forces" means any of the Armed Forces  
18 of the United States, including a member of any reserve  
19 component thereof or National Guard unit called to active  
20 duty;

21 (23) the defendant committed the offense against a  
22 person who was elderly, disabled, or infirm by taking  
23 advantage of a family or fiduciary relationship with the  
24 elderly, disabled, or infirm person; ~~or~~

25 (24) the defendant committed any offense under Section  
26 11-20.1 of the Criminal Code of 1961 and possessed 100 or

1 more images; ~~or~~

2 (25) the defendant committed the offense while the  
3 defendant or the victim was in a train, bus, or other  
4 vehicle used for public transportation; or.

5 (26) ~~(25)~~ the defendant committed the offense of child  
6 pornography or aggravated child pornography, specifically  
7 including paragraph (1), (2), (3), (4), (5), or (7) of  
8 subsection (a) of Section 11-20.1 of the Criminal Code of  
9 1961 where a child engaged in, solicited for, depicted in,  
10 or posed in any act of sexual penetration or bound,  
11 fettered, or subject to sadistic, masochistic, or  
12 sadomasochistic abuse in a sexual context and specifically  
13 including paragraph (1), (2), (3), (4), (5), or (7) of  
14 subsection (a) of Section 11-20.3 of the Criminal Code of  
15 1961 where a child engaged in, solicited for, depicted in,  
16 or posed in any act of sexual penetration or bound,  
17 fettered, or subject to sadistic, masochistic, or  
18 sadomasochistic abuse in a sexual context.

19 For the purposes of this Section:

20 "School" is defined as a public or private elementary or  
21 secondary school, community college, college, or university.

22 "Day care center" means a public or private State certified  
23 and licensed day care center as defined in Section 2.09 of the  
24 Child Care Act of 1969 that displays a sign in plain view  
25 stating that the property is a day care center.

26 "Public transportation" means the transportation or

1 conveyance of persons by means available to the general public,  
2 and includes paratransit services.

3 (b) The following factors, related to all felonies, may be  
4 considered by the court as reasons to impose an extended term  
5 sentence under Section 5-8-2 upon any offender:

6 (1) When a defendant is convicted of any felony, after  
7 having been previously convicted in Illinois or any other  
8 jurisdiction of the same or similar class felony or greater  
9 class felony, when such conviction has occurred within 10  
10 years after the previous conviction, excluding time spent  
11 in custody, and such charges are separately brought and  
12 tried and arise out of different series of acts; or

13 (2) When a defendant is convicted of any felony and the  
14 court finds that the offense was accompanied by  
15 exceptionally brutal or heinous behavior indicative of  
16 wanton cruelty; or

17 (3) When a defendant is convicted of any felony  
18 committed against:

19 (i) a person under 12 years of age at the time of  
20 the offense or such person's property;

21 (ii) a person 60 years of age or older at the time  
22 of the offense or such person's property; or

23 (iii) a person physically handicapped at the time  
24 of the offense or such person's property; or

25 (4) When a defendant is convicted of any felony and the  
26 offense involved any of the following types of specific

1 misconduct committed as part of a ceremony, rite,  
2 initiation, observance, performance, practice or activity  
3 of any actual or ostensible religious, fraternal, or social  
4 group:

5 (i) the brutalizing or torturing of humans or  
6 animals;

7 (ii) the theft of human corpses;

8 (iii) the kidnapping of humans;

9 (iv) the desecration of any cemetery, religious,  
10 fraternal, business, governmental, educational, or  
11 other building or property; or

12 (v) ritualized abuse of a child; or

13 (5) When a defendant is convicted of a felony other  
14 than conspiracy and the court finds that the felony was  
15 committed under an agreement with 2 or more other persons  
16 to commit that offense and the defendant, with respect to  
17 the other individuals, occupied a position of organizer,  
18 supervisor, financier, or any other position of management  
19 or leadership, and the court further finds that the felony  
20 committed was related to or in furtherance of the criminal  
21 activities of an organized gang or was motivated by the  
22 defendant's leadership in an organized gang; or

23 (6) When a defendant is convicted of an offense  
24 committed while using a firearm with a laser sight attached  
25 to it. For purposes of this paragraph, "laser sight" has  
26 the meaning ascribed to it in Section 24.6-5 of the

1 Criminal Code of 1961; or

2 (7) When a defendant who was at least 17 years of age  
3 at the time of the commission of the offense is convicted  
4 of a felony and has been previously adjudicated a  
5 delinquent minor under the Juvenile Court Act of 1987 for  
6 an act that if committed by an adult would be a Class X or  
7 Class 1 felony when the conviction has occurred within 10  
8 years after the previous adjudication, excluding time  
9 spent in custody; or

10 (8) When a defendant commits any felony and the  
11 defendant used, possessed, exercised control over, or  
12 otherwise directed an animal to assault a law enforcement  
13 officer engaged in the execution of his or her official  
14 duties or in furtherance of the criminal activities of an  
15 organized gang in which the defendant is engaged.

16 (c) The following factors may be considered by the court as  
17 reasons to impose an extended term sentence under Section 5-8-2  
18 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

19 (1) When a defendant is convicted of first degree  
20 murder, after having been previously convicted in Illinois  
21 of any offense listed under paragraph (c)(2) of Section  
22 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred  
23 within 10 years after the previous conviction, excluding  
24 time spent in custody, and the charges are separately  
25 brought and tried and arise out of different series of  
26 acts.

1           (1.5) When a defendant is convicted of first degree  
2 murder, after having been previously convicted of domestic  
3 battery (720 ILCS 5/12-3.2) or aggravated domestic battery  
4 (720 ILCS 5/12-3.3) committed on the same victim or after  
5 having been previously convicted of violation of an order  
6 of protection (720 ILCS 5/12-30) in which the same victim  
7 was the protected person.

8           (2) When a defendant is convicted of voluntary  
9 manslaughter, second degree murder, involuntary  
10 manslaughter, or reckless homicide in which the defendant  
11 has been convicted of causing the death of more than one  
12 individual.

13           (3) When a defendant is convicted of aggravated  
14 criminal sexual assault or criminal sexual assault, when  
15 there is a finding that aggravated criminal sexual assault  
16 or criminal sexual assault was also committed on the same  
17 victim by one or more other individuals, and the defendant  
18 voluntarily participated in the crime with the knowledge of  
19 the participation of the others in the crime, and the  
20 commission of the crime was part of a single course of  
21 conduct during which there was no substantial change in the  
22 nature of the criminal objective.

23           (4) If the victim was under 18 years of age at the time  
24 of the commission of the offense, when a defendant is  
25 convicted of aggravated criminal sexual assault or  
26 predatory criminal sexual assault of a child under

1 subsection (a)(1) of Section 12-14.1 of the Criminal Code  
2 of 1961 (720 ILCS 5/12-14.1).

3 (5) When a defendant is convicted of a felony violation  
4 of Section 24-1 of the Criminal Code of 1961 (720 ILCS  
5 5/24-1) and there is a finding that the defendant is a  
6 member of an organized gang.

7 (6) When a defendant was convicted of unlawful use of  
8 weapons under Section 24-1 of the Criminal Code of 1961  
9 (720 ILCS 5/24-1) for possessing a weapon that is not  
10 readily distinguishable as one of the weapons enumerated in  
11 Section 24-1 of the Criminal Code of 1961 (720 ILCS  
12 5/24-1).

13 (7) When a defendant is convicted of an offense  
14 involving the illegal manufacture of a controlled  
15 substance under Section 401 of the Illinois Controlled  
16 Substances Act (720 ILCS 570/401), the illegal manufacture  
17 of methamphetamine under Section 25 of the Methamphetamine  
18 Control and Community Protection Act (720 ILCS 646/25), or  
19 the illegal possession of explosives and an emergency  
20 response officer in the performance of his or her duties is  
21 killed or injured at the scene of the offense while  
22 responding to the emergency caused by the commission of the  
23 offense. In this paragraph, "emergency" means a situation  
24 in which a person's life, health, or safety is in jeopardy;  
25 and "emergency response officer" means a peace officer,  
26 community policing volunteer, fireman, emergency medical

1 technician-ambulance, emergency medical  
2 technician-intermediate, emergency medical  
3 technician-paramedic, ambulance driver, other medical  
4 assistance or first aid personnel, or hospital emergency  
5 room personnel.

6 (d) For the purposes of this Section, "organized gang" has  
7 the meaning ascribed to it in Section 10 of the Illinois  
8 Streetgang Terrorism Omnibus Prevention Act.

9 (Source: P.A. 95-85, eff. 1-1-08; 95-362, eff. 1-1-08; 95-569,  
10 eff. 6-1-08; 95-876, eff. 8-21-08; 95-942, eff. 1-1-09;  
11 95-1052, eff. 7-1-09; 96-41, eff. 1-1-10; 96-292, eff. 1-1-10;  
12 96-328, eff. 8-11-09; 96-339, eff. 7-1-10; revised 9-25-09.)

13 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

14 Sec. 5-6-1. Sentences of Probation and of Conditional  
15 Discharge and Disposition of Supervision. The General Assembly  
16 finds that in order to protect the public, the criminal justice  
17 system must compel compliance with the conditions of probation  
18 by responding to violations with swift, certain and fair  
19 punishments and intermediate sanctions. The Chief Judge of each  
20 circuit shall adopt a system of structured, intermediate  
21 sanctions for violations of the terms and conditions of a  
22 sentence of probation, conditional discharge or disposition of  
23 supervision.

24 (a) Except where specifically prohibited by other  
25 provisions of this Code, the court shall impose a sentence of

1 probation or conditional discharge upon an offender unless,  
2 having regard to the nature and circumstance of the offense,  
3 and to the history, character and condition of the offender,  
4 the court is of the opinion that:

5 (1) his imprisonment or periodic imprisonment is  
6 necessary for the protection of the public; or

7 (2) probation or conditional discharge would deprecate  
8 the seriousness of the offender's conduct and would be  
9 inconsistent with the ends of justice; or

10 (3) a combination of imprisonment with concurrent or  
11 consecutive probation when an offender has been admitted  
12 into a drug court program under Section 20 of the Drug  
13 Court Treatment Act is necessary for the protection of the  
14 public and for the rehabilitation of the offender.

15 The court shall impose as a condition of a sentence of  
16 probation, conditional discharge, or supervision, that the  
17 probation agency may invoke any sanction from the list of  
18 intermediate sanctions adopted by the chief judge of the  
19 circuit court for violations of the terms and conditions of the  
20 sentence of probation, conditional discharge, or supervision,  
21 subject to the provisions of Section 5-6-4 of this Act.

22 (b) The court may impose a sentence of conditional  
23 discharge for an offense if the court is of the opinion that  
24 neither a sentence of imprisonment nor of periodic imprisonment  
25 nor of probation supervision is appropriate.

26 (b-1) Subsections (a) and (b) of this Section do not apply

1 to a defendant charged with a misdemeanor or felony under the  
2 Illinois Vehicle Code or reckless homicide under Section 9-3 of  
3 the Criminal Code of 1961 if the defendant within the past 12  
4 months has been convicted of or pleaded guilty to a misdemeanor  
5 or felony under the Illinois Vehicle Code or reckless homicide  
6 under Section 9-3 of the Criminal Code of 1961.

7 (c) The court may, upon a plea of guilty or a stipulation  
8 by the defendant of the facts supporting the charge or a  
9 finding of guilt, defer further proceedings and the imposition  
10 of a sentence, and enter an order for supervision of the  
11 defendant, if the defendant is not charged with: (i) a Class A  
12 misdemeanor, as defined by the following provisions of the  
13 Criminal Code of 1961: Sections 11-9.1; 12-3.2; 12-15; 26-5;  
14 31-1; 31-6; 31-7; subsections (b) and (c) of Section 21-1;  
15 paragraph (1) through (5), (8), (10), and (11) of subsection  
16 (a) of Section 24-1; (ii) a Class A misdemeanor violation of  
17 Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals  
18 Act; or (iii) a felony. If the defendant is not barred from  
19 receiving an order for supervision as provided in this  
20 subsection, the court may enter an order for supervision after  
21 considering the circumstances of the offense, and the history,  
22 character and condition of the offender, if the court is of the  
23 opinion that:

24 (1) the offender is not likely to commit further  
25 crimes;

26 (2) the defendant and the public would be best served

1 if the defendant were not to receive a criminal record; and

2 (3) in the best interests of justice an order of  
3 supervision is more appropriate than a sentence otherwise  
4 permitted under this Code.

5 (c-5) Subsections (a), (b), and (c) of this Section do not  
6 apply to a defendant charged with a second or subsequent  
7 violation of Section 6-303 of the Illinois Vehicle Code  
8 committed while his or her driver's license, permit or  
9 privileges were revoked because of a violation of Section 9-3  
10 of the Criminal Code of 1961, relating to the offense of  
11 reckless homicide, or a similar provision of a law of another  
12 state.

13 (d) The provisions of paragraph (c) shall not apply to a  
14 defendant charged with violating Section 11-501 of the Illinois  
15 Vehicle Code or a similar provision of a local ordinance when  
16 the defendant has previously been:

17 (1) convicted for a violation of Section 11-501 of the  
18 Illinois Vehicle Code or a similar provision of a local  
19 ordinance or any similar law or ordinance of another state;  
20 or

21 (2) assigned supervision for a violation of Section  
22 11-501 of the Illinois Vehicle Code or a similar provision  
23 of a local ordinance or any similar law or ordinance of  
24 another state; or

25 (3) pleaded guilty to or stipulated to the facts  
26 supporting a charge or a finding of guilty to a violation

1 of Section 11-503 of the Illinois Vehicle Code or a similar  
2 provision of a local ordinance or any similar law or  
3 ordinance of another state, and the plea or stipulation was  
4 the result of a plea agreement.

5 The court shall consider the statement of the prosecuting  
6 authority with regard to the standards set forth in this  
7 Section.

8 (e) The provisions of paragraph (c) shall not apply to a  
9 defendant charged with violating Section 16A-3 of the Criminal  
10 Code of 1961 if said defendant has within the last 5 years  
11 been:

12 (1) convicted for a violation of Section 16A-3 of the  
13 Criminal Code of 1961; or

14 (2) assigned supervision for a violation of Section  
15 16A-3 of the Criminal Code of 1961.

16 The court shall consider the statement of the prosecuting  
17 authority with regard to the standards set forth in this  
18 Section.

19 (f) The provisions of paragraph (c) shall not apply to a  
20 defendant charged with violating Sections 15-111, 15-112,  
21 15-301, paragraph (b) of Section 6-104, Section 11-605, Section  
22 11-1002.5, or Section 11-1414 of the Illinois Vehicle Code or a  
23 similar provision of a local ordinance.

24 (g) Except as otherwise provided in paragraph (i) of this  
25 Section, the provisions of paragraph (c) shall not apply to a  
26 defendant charged with violating Section 3-707, 3-708, 3-710,

1 or 5-401.3 of the Illinois Vehicle Code or a similar provision  
2 of a local ordinance if the defendant has within the last 5  
3 years been:

4 (1) convicted for a violation of Section 3-707, 3-708,  
5 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar  
6 provision of a local ordinance; or

7 (2) assigned supervision for a violation of Section  
8 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle  
9 Code or a similar provision of a local ordinance.

10 The court shall consider the statement of the prosecuting  
11 authority with regard to the standards set forth in this  
12 Section.

13 (h) The provisions of paragraph (c) shall not apply to a  
14 defendant under the age of 21 years charged with violating a  
15 serious traffic offense as defined in Section 1-187.001 of the  
16 Illinois Vehicle Code:

17 (1) unless the defendant, upon payment of the fines,  
18 penalties, and costs provided by law, agrees to attend and  
19 successfully complete a traffic safety program approved by  
20 the court under standards set by the Conference of Chief  
21 Circuit Judges. The accused shall be responsible for  
22 payment of any traffic safety program fees. If the accused  
23 fails to file a certificate of successful completion on or  
24 before the termination date of the supervision order, the  
25 supervision shall be summarily revoked and conviction  
26 entered. The provisions of Supreme Court Rule 402 relating

1 to pleas of guilty do not apply in cases when a defendant  
2 enters a guilty plea under this provision; or

3 (2) if the defendant has previously been sentenced  
4 under the provisions of paragraph (c) on or after January  
5 1, 1998 for any serious traffic offense as defined in  
6 Section 1-187.001 of the Illinois Vehicle Code.

7 (h-1) The provisions of paragraph (c) shall not apply to a  
8 defendant under the age of 21 years charged with an offense  
9 against traffic regulations governing the movement of vehicles  
10 or any violation of Section 6-107 or Section 12-603.1 of the  
11 Illinois Vehicle Code, unless the defendant, upon payment of  
12 the fines, penalties, and costs provided by law, agrees to  
13 attend and successfully complete a traffic safety program  
14 approved by the court under standards set by the Conference of  
15 Chief Circuit Judges. The accused shall be responsible for  
16 payment of any traffic safety program fees. If the accused  
17 fails to file a certificate of successful completion on or  
18 before the termination date of the supervision order, the  
19 supervision shall be summarily revoked and conviction entered.  
20 The provisions of Supreme Court Rule 402 relating to pleas of  
21 guilty do not apply in cases when a defendant enters a guilty  
22 plea under this provision.

23 (i) The provisions of paragraph (c) shall not apply to a  
24 defendant charged with violating Section 3-707 of the Illinois  
25 Vehicle Code or a similar provision of a local ordinance if the  
26 defendant has been assigned supervision for a violation of

1 Section 3-707 of the Illinois Vehicle Code or a similar  
2 provision of a local ordinance.

3 (j) The provisions of paragraph (c) shall not apply to a  
4 defendant charged with violating Section 6-303 of the Illinois  
5 Vehicle Code or a similar provision of a local ordinance when  
6 the revocation or suspension was for a violation of Section  
7 11-501 or a similar provision of a local ordinance or a  
8 violation of Section 11-501.1 or paragraph (b) of Section  
9 11-401 of the Illinois Vehicle Code if the defendant has within  
10 the last 10 years been:

11 (1) convicted for a violation of Section 6-303 of the  
12 Illinois Vehicle Code or a similar provision of a local  
13 ordinance; or

14 (2) assigned supervision for a violation of Section  
15 6-303 of the Illinois Vehicle Code or a similar provision  
16 of a local ordinance.

17 (k) The provisions of paragraph (c) shall not apply to a  
18 defendant charged with violating any provision of the Illinois  
19 Vehicle Code or a similar provision of a local ordinance that  
20 governs the movement of vehicles if, within the 12 months  
21 preceding the date of the defendant's arrest, the defendant has  
22 been assigned court supervision on 2 occasions for a violation  
23 that governs the movement of vehicles under the Illinois  
24 Vehicle Code or a similar provision of a local ordinance. The  
25 provisions of this paragraph (k) do not apply to a defendant  
26 charged with violating Section 11-501 of the Illinois Vehicle

1 Code or a similar provision of a local ordinance.

2 (l) A defendant charged with violating any provision of the  
3 Illinois Vehicle Code or a similar provision of a local  
4 ordinance who receives a disposition of supervision under  
5 subsection (c) shall pay an additional fee of \$29, to be  
6 collected as provided in Sections 27.5 and 27.6 of the Clerks  
7 of Courts Act. In addition to the \$29 fee, the person shall  
8 also pay a fee of \$6, which, if not waived by the court, shall  
9 be collected as provided in Sections 27.5 and 27.6 of the  
10 Clerks of Courts Act. The \$29 fee shall be disbursed as  
11 provided in Section 16-104c of the Illinois Vehicle Code. If  
12 the \$6 fee is collected, \$5.50 of the fee shall be deposited  
13 into the Circuit Court Clerk Operation and Administrative Fund  
14 created by the Clerk of the Circuit Court and 50 cents of the  
15 fee shall be deposited into the Prisoner Review Board Vehicle  
16 and Equipment Fund in the State treasury.

17 (m) Any person convicted of, pleading guilty to, or placed  
18 on supervision for a serious traffic violation, as defined in  
19 Section 1-187.001 of the Illinois Vehicle Code, a violation of  
20 Section 11-501 of the Illinois Vehicle Code, or a violation of  
21 a similar provision of a local ordinance shall pay an  
22 additional fee of \$20, to be disbursed as provided in Section  
23 16-104d of that Code.

24 This subsection (m) becomes inoperative 7 years after  
25 October 13, 2007 (the effective date of Public Act 95-154).

26 (n) The provisions of paragraph (c) shall not apply to any

1 person under the age of 18 who commits an offense against  
2 traffic regulations governing the movement of vehicles or any  
3 violation of Section 6-107 or Section 12-603.1 of the Illinois  
4 Vehicle Code, except upon personal appearance of the defendant  
5 in court and upon the written consent of the defendant's parent  
6 or legal guardian, executed before the presiding judge. The  
7 presiding judge shall have the authority to waive this  
8 requirement upon the showing of good cause by the defendant.

9 (o) The provisions of paragraph (c) shall not apply to a  
10 defendant charged with violating Section 6-303 of the Illinois  
11 Vehicle Code or a similar provision of a local ordinance when  
12 the suspension was for a violation of Section 11-501.1 of the  
13 Illinois Vehicle Code and when:

14 (1) at the time of the violation of Section 11-501.1 of  
15 the Illinois Vehicle Code, the defendant was a first  
16 offender pursuant to Section 11-500 of the Illinois Vehicle  
17 Code and the defendant failed to obtain a monitoring device  
18 driving permit; or

19 (2) at the time of the violation of Section 11-501.1 of  
20 the Illinois Vehicle Code, the defendant was a first  
21 offender pursuant to Section 11-500 of the Illinois Vehicle  
22 Code, had subsequently obtained a monitoring device  
23 driving permit, but was driving a vehicle not equipped with  
24 a breath alcohol ignition interlock device as defined in  
25 Section 1-129.1 of the Illinois Vehicle Code.

26 (Source: P.A. 95-154, eff. 10-13-07; 95-302, eff. 1-1-08;

1 95-310, eff. 1-1-08; 95-377, eff. 1-1-08; 95-400, eff. 1-1-09;  
2 95-428, 8-24-07; 95-876, eff. 8-21-08; 96-253, eff. 8-11-09;  
3 96-286, eff. 8-11-09; 96-328, eff. 8-11-09; 96-625, eff.  
4 1-1-10; revised 10-1-09.)

5 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

6 Sec. 5-6-3. Conditions of Probation and of Conditional  
7 Discharge.

8 (a) The conditions of probation and of conditional  
9 discharge shall be that the person:

10 (1) not violate any criminal statute of any  
11 jurisdiction;

12 (2) report to or appear in person before such person or  
13 agency as directed by the court;

14 (3) refrain from possessing a firearm or other  
15 dangerous weapon where the offense is a felony or, if a  
16 misdemeanor, the offense involved the intentional or  
17 knowing infliction of bodily harm or threat of bodily harm;

18 (4) not leave the State without the consent of the  
19 court or, in circumstances in which the reason for the  
20 absence is of such an emergency nature that prior consent  
21 by the court is not possible, without the prior  
22 notification and approval of the person's probation  
23 officer. Transfer of a person's probation or conditional  
24 discharge supervision to another state is subject to  
25 acceptance by the other state pursuant to the Interstate

1 Compact for Adult Offender Supervision;

2 (5) permit the probation officer to visit him at his  
3 home or elsewhere to the extent necessary to discharge his  
4 duties;

5 (6) perform no less than 30 hours of community service  
6 and not more than 120 hours of community service, if  
7 community service is available in the jurisdiction and is  
8 funded and approved by the county board where the offense  
9 was committed, where the offense was related to or in  
10 furtherance of the criminal activities of an organized gang  
11 and was motivated by the offender's membership in or  
12 allegiance to an organized gang. The community service  
13 shall include, but not be limited to, the cleanup and  
14 repair of any damage caused by a violation of Section  
15 21-1.3 of the Criminal Code of 1961 and similar damage to  
16 property located within the municipality or county in which  
17 the violation occurred. When possible and reasonable, the  
18 community service should be performed in the offender's  
19 neighborhood. For purposes of this Section, "organized  
20 gang" has the meaning ascribed to it in Section 10 of the  
21 Illinois Streetgang Terrorism Omnibus Prevention Act;

22 (7) if he or she is at least 17 years of age and has  
23 been sentenced to probation or conditional discharge for a  
24 misdemeanor or felony in a county of 3,000,000 or more  
25 inhabitants and has not been previously convicted of a  
26 misdemeanor or felony, may be required by the sentencing

1 court to attend educational courses designed to prepare the  
2 defendant for a high school diploma and to work toward a  
3 high school diploma or to work toward passing the high  
4 school level Test of General Educational Development (GED)  
5 or to work toward completing a vocational training program  
6 approved by the court. The person on probation or  
7 conditional discharge must attend a public institution of  
8 education to obtain the educational or vocational training  
9 required by this clause (7). The court shall revoke the  
10 probation or conditional discharge of a person who wilfully  
11 fails to comply with this clause (7). The person on  
12 probation or conditional discharge shall be required to pay  
13 for the cost of the educational courses or GED test, if a  
14 fee is charged for those courses or test. The court shall  
15 resentence the offender whose probation or conditional  
16 discharge has been revoked as provided in Section 5-6-4.  
17 This clause (7) does not apply to a person who has a high  
18 school diploma or has successfully passed the GED test.  
19 This clause (7) does not apply to a person who is  
20 determined by the court to be developmentally disabled or  
21 otherwise mentally incapable of completing the educational  
22 or vocational program;

23 (8) if convicted of possession of a substance  
24 prohibited by the Cannabis Control Act, the Illinois  
25 Controlled Substances Act, or the Methamphetamine Control  
26 and Community Protection Act after a previous conviction or

1 disposition of supervision for possession of a substance  
2 prohibited by the Cannabis Control Act or Illinois  
3 Controlled Substances Act or after a sentence of probation  
4 under Section 10 of the Cannabis Control Act, Section 410  
5 of the Illinois Controlled Substances Act, or Section 70 of  
6 the Methamphetamine Control and Community Protection Act  
7 and upon a finding by the court that the person is  
8 addicted, undergo treatment at a substance abuse program  
9 approved by the court;

10 (8.5) if convicted of a felony sex offense as defined  
11 in the Sex Offender Management Board Act, the person shall  
12 undergo and successfully complete sex offender treatment  
13 by a treatment provider approved by the Board and conducted  
14 in conformance with the standards developed under the Sex  
15 Offender Management Board Act;

16 (8.6) if convicted of a sex offense as defined in the  
17 Sex Offender Management Board Act, refrain from residing at  
18 the same address or in the same condominium unit or  
19 apartment unit or in the same condominium complex or  
20 apartment complex with another person he or she knows or  
21 reasonably should know is a convicted sex offender or has  
22 been placed on supervision for a sex offense; the  
23 provisions of this paragraph do not apply to a person  
24 convicted of a sex offense who is placed in a Department of  
25 Corrections licensed transitional housing facility for sex  
26 offenders;

1           (8.7) if convicted for an offense committed on or after  
2           June 1, 2008 (the effective date of Public Act 95-464) that  
3           would qualify the accused as a child sex offender as  
4           defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
5           1961, refrain from communicating with or contacting, by  
6           means of the Internet, a person who is not related to the  
7           accused and whom the accused reasonably believes to be  
8           under 18 years of age; for purposes of this paragraph  
9           (8.7), "Internet" has the meaning ascribed to it in Section  
10          16J-5 of the Criminal Code of 1961; and a person is not  
11          related to the accused if the person is not: (i) the  
12          spouse, brother, or sister of the accused; (ii) a  
13          descendant of the accused; (iii) a first or second cousin  
14          of the accused; or (iv) a step-child or adopted child of  
15          the accused;

16          (8.8) if convicted for an offense under Section 11-6,  
17          11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of the Criminal  
18          Code of 1961, or any attempt to commit any of these  
19          offenses, committed on or after June 1, 2009 (the effective  
20          date of Public Act 95-983):

21                 (i) not access or use a computer or any other  
22                 device with Internet capability without the prior  
23                 written approval of the offender's probation officer,  
24                 except in connection with the offender's employment or  
25                 search for employment with the prior approval of the  
26                 offender's probation officer;

1           (ii) submit to periodic unannounced examinations  
2 of the offender's computer or any other device with  
3 Internet capability by the offender's probation  
4 officer, a law enforcement officer, or assigned  
5 computer or information technology specialist,  
6 including the retrieval and copying of all data from  
7 the computer or device and any internal or external  
8 peripherals and removal of such information,  
9 equipment, or device to conduct a more thorough  
10 inspection;

11           (iii) submit to the installation on the offender's  
12 computer or device with Internet capability, at the  
13 offender's expense, of one or more hardware or software  
14 systems to monitor the Internet use; and

15           (iv) submit to any other appropriate restrictions  
16 concerning the offender's use of or access to a  
17 computer or any other device with Internet capability  
18 imposed by the offender's probation officer;

19           (8.9) if convicted of a sex offense as defined in the  
20 Sex Offender Registration Act committed on or after January  
21 1, 2010 (the effective date of Public Act 96-262) ~~this~~  
22 ~~amendatory Act of the 96th General Assembly~~, refrain from  
23 accessing or using a social networking website as defined  
24 in Section 16D-2 of the Criminal Code of 1961;

25           (9) if convicted of a felony, physically surrender at a  
26 time and place designated by the court, his or her Firearm

1 Owner's Identification Card and any and all firearms in his  
2 or her possession;

3 (10) if convicted of a sex offense as defined in  
4 subsection (a-5) of Section 3-1-2 of this Code, unless the  
5 offender is a parent or guardian of the person under 18  
6 years of age present in the home and no non-familial minors  
7 are present, not participate in a holiday event involving  
8 children under 18 years of age, such as distributing candy  
9 or other items to children on Halloween, wearing a Santa  
10 Claus costume on or preceding Christmas, being employed as  
11 a department store Santa Claus, or wearing an Easter Bunny  
12 costume on or preceding Easter; and

13 (11) if convicted of a sex offense as defined in  
14 Section 2 of the Sex Offender Registration Act committed on  
15 or after January 1, 2010 (the effective date of Public Act  
16 96-362) ~~this amendatory Act of the 96th General Assembly~~  
17 that requires the person to register as a sex offender  
18 under that Act, may not knowingly use any computer scrub  
19 software on any computer that the sex offender uses.

20 (b) The Court may in addition to other reasonable  
21 conditions relating to the nature of the offense or the  
22 rehabilitation of the defendant as determined for each  
23 defendant in the proper discretion of the Court require that  
24 the person:

25 (1) serve a term of periodic imprisonment under Article  
26 7 for a period not to exceed that specified in paragraph

- 1 (d) of Section 5-7-1;
- 2 (2) pay a fine and costs;
- 3 (3) work or pursue a course of study or vocational  
4 training;
- 5 (4) undergo medical, psychological or psychiatric  
6 treatment; or treatment for drug addiction or alcoholism;
- 7 (5) attend or reside in a facility established for the  
8 instruction or residence of defendants on probation;
- 9 (6) support his dependents;
- 10 (7) and in addition, if a minor:
- 11 (i) reside with his parents or in a foster home;
- 12 (ii) attend school;
- 13 (iii) attend a non-residential program for youth;
- 14 (iv) contribute to his own support at home or in a  
15 foster home;
- 16 (v) with the consent of the superintendent of the  
17 facility, attend an educational program at a facility  
18 other than the school in which the offense was  
19 committed if he or she is convicted of a crime of  
20 violence as defined in Section 2 of the Crime Victims  
21 Compensation Act committed in a school, on the real  
22 property comprising a school, or within 1,000 feet of  
23 the real property comprising a school;
- 24 (8) make restitution as provided in Section 5-5-6 of  
25 this Code;
- 26 (9) perform some reasonable public or community

1 service;

2 (10) serve a term of home confinement. In addition to  
3 any other applicable condition of probation or conditional  
4 discharge, the conditions of home confinement shall be that  
5 the offender:

6 (i) remain within the interior premises of the  
7 place designated for his confinement during the hours  
8 designated by the court;

9 (ii) admit any person or agent designated by the  
10 court into the offender's place of confinement at any  
11 time for purposes of verifying the offender's  
12 compliance with the conditions of his confinement; and

13 (iii) if further deemed necessary by the court or  
14 the Probation or Court Services Department, be placed  
15 on an approved electronic monitoring device, subject  
16 to Article 8A of Chapter V;

17 (iv) for persons convicted of any alcohol,  
18 cannabis or controlled substance violation who are  
19 placed on an approved monitoring device as a condition  
20 of probation or conditional discharge, the court shall  
21 impose a reasonable fee for each day of the use of the  
22 device, as established by the county board in  
23 subsection (g) of this Section, unless after  
24 determining the inability of the offender to pay the  
25 fee, the court assesses a lesser fee or no fee as the  
26 case may be. This fee shall be imposed in addition to

1 the fees imposed under subsections (g) and (i) of this  
2 Section. The fee shall be collected by the clerk of the  
3 circuit court. The clerk of the circuit court shall pay  
4 all monies collected from this fee to the county  
5 treasurer for deposit in the substance abuse services  
6 fund under Section 5-1086.1 of the Counties Code; and

7 (v) for persons convicted of offenses other than  
8 those referenced in clause (iv) above and who are  
9 placed on an approved monitoring device as a condition  
10 of probation or conditional discharge, the court shall  
11 impose a reasonable fee for each day of the use of the  
12 device, as established by the county board in  
13 subsection (g) of this Section, unless after  
14 determining the inability of the defendant to pay the  
15 fee, the court assesses a lesser fee or no fee as the  
16 case may be. This fee shall be imposed in addition to  
17 the fees imposed under subsections (g) and (i) of this  
18 Section. The fee shall be collected by the clerk of the  
19 circuit court. The clerk of the circuit court shall pay  
20 all monies collected from this fee to the county  
21 treasurer who shall use the monies collected to defray  
22 the costs of corrections. The county treasurer shall  
23 deposit the fee collected in the county working cash  
24 fund under Section 6-27001 or Section 6-29002 of the  
25 Counties Code, as the case may be.

26 (11) comply with the terms and conditions of an order

1 of protection issued by the court pursuant to the Illinois  
2 Domestic Violence Act of 1986, as now or hereafter amended,  
3 or an order of protection issued by the court of another  
4 state, tribe, or United States territory. A copy of the  
5 order of protection shall be transmitted to the probation  
6 officer or agency having responsibility for the case;

7 (12) reimburse any "local anti-crime program" as  
8 defined in Section 7 of the Anti-Crime Advisory Council Act  
9 for any reasonable expenses incurred by the program on the  
10 offender's case, not to exceed the maximum amount of the  
11 fine authorized for the offense for which the defendant was  
12 sentenced;

13 (13) contribute a reasonable sum of money, not to  
14 exceed the maximum amount of the fine authorized for the  
15 offense for which the defendant was sentenced, (i) to a  
16 "local anti-crime program", as defined in Section 7 of the  
17 Anti-Crime Advisory Council Act, or (ii) for offenses under  
18 the jurisdiction of the Department of Natural Resources, to  
19 the fund established by the Department of Natural Resources  
20 for the purchase of evidence for investigation purposes and  
21 to conduct investigations as outlined in Section 805-105 of  
22 the Department of Natural Resources (Conservation) Law;

23 (14) refrain from entering into a designated  
24 geographic area except upon such terms as the court finds  
25 appropriate. Such terms may include consideration of the  
26 purpose of the entry, the time of day, other persons

1 accompanying the defendant, and advance approval by a  
2 probation officer, if the defendant has been placed on  
3 probation or advance approval by the court, if the  
4 defendant was placed on conditional discharge;

5 (15) refrain from having any contact, directly or  
6 indirectly, with certain specified persons or particular  
7 types of persons, including but not limited to members of  
8 street gangs and drug users or dealers;

9 (16) refrain from having in his or her body the  
10 presence of any illicit drug prohibited by the Cannabis  
11 Control Act, the Illinois Controlled Substances Act, or the  
12 Methamphetamine Control and Community Protection Act,  
13 unless prescribed by a physician, and submit samples of his  
14 or her blood or urine or both for tests to determine the  
15 presence of any illicit drug;

16 (17) if convicted for an offense committed on or after  
17 June 1, 2008 (the effective date of Public Act 95-464) that  
18 would qualify the accused as a child sex offender as  
19 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
20 1961, refrain from communicating with or contacting, by  
21 means of the Internet, a person who is related to the  
22 accused and whom the accused reasonably believes to be  
23 under 18 years of age; for purposes of this paragraph (17),  
24 "Internet" has the meaning ascribed to it in Section 16J-5  
25 of the Criminal Code of 1961; and a person is related to  
26 the accused if the person is: (i) the spouse, brother, or

1 sister of the accused; (ii) a descendant of the accused;  
2 (iii) a first or second cousin of the accused; or (iv) a  
3 step-child or adopted child of the accused;

4 (18) if convicted for an offense committed on or after  
5 June 1, 2009 (the effective date of Public Act 95-983) that  
6 would qualify as a sex offense as defined in the Sex  
7 Offender Registration Act:

8 (i) not access or use a computer or any other  
9 device with Internet capability without the prior  
10 written approval of the offender's probation officer,  
11 except in connection with the offender's employment or  
12 search for employment with the prior approval of the  
13 offender's probation officer;

14 (ii) submit to periodic unannounced examinations  
15 of the offender's computer or any other device with  
16 Internet capability by the offender's probation  
17 officer, a law enforcement officer, or assigned  
18 computer or information technology specialist,  
19 including the retrieval and copying of all data from  
20 the computer or device and any internal or external  
21 peripherals and removal of such information,  
22 equipment, or device to conduct a more thorough  
23 inspection;

24 (iii) submit to the installation on the offender's  
25 computer or device with Internet capability, at the  
26 subject's expense, of one or more hardware or software

1 systems to monitor the Internet use; and

2 (iv) submit to any other appropriate restrictions  
3 concerning the offender's use of or access to a  
4 computer or any other device with Internet capability  
5 imposed by the offender's probation officer; and

6 (19) refrain from possessing a firearm or other  
7 dangerous weapon where the offense is a misdemeanor that  
8 did not involve the intentional or knowing infliction of  
9 bodily harm or threat of bodily harm.

10 (c) The court may as a condition of probation or of  
11 conditional discharge require that a person under 18 years of  
12 age found guilty of any alcohol, cannabis or controlled  
13 substance violation, refrain from acquiring a driver's license  
14 during the period of probation or conditional discharge. If  
15 such person is in possession of a permit or license, the court  
16 may require that the minor refrain from driving or operating  
17 any motor vehicle during the period of probation or conditional  
18 discharge, except as may be necessary in the course of the  
19 minor's lawful employment.

20 (d) An offender sentenced to probation or to conditional  
21 discharge shall be given a certificate setting forth the  
22 conditions thereof.

23 (e) Except where the offender has committed a fourth or  
24 subsequent violation of subsection (c) of Section 6-303 of the  
25 Illinois Vehicle Code, the court shall not require as a  
26 condition of the sentence of probation or conditional discharge

1 that the offender be committed to a period of imprisonment in  
2 excess of 6 months. This 6 month limit shall not include  
3 periods of confinement given pursuant to a sentence of county  
4 impact incarceration under Section 5-8-1.2.

5 Persons committed to imprisonment as a condition of  
6 probation or conditional discharge shall not be committed to  
7 the Department of Corrections.

8 (f) The court may combine a sentence of periodic  
9 imprisonment under Article 7 or a sentence to a county impact  
10 incarceration program under Article 8 with a sentence of  
11 probation or conditional discharge.

12 (g) An offender sentenced to probation or to conditional  
13 discharge and who during the term of either undergoes mandatory  
14 drug or alcohol testing, or both, or is assigned to be placed  
15 on an approved electronic monitoring device, shall be ordered  
16 to pay all costs incidental to such mandatory drug or alcohol  
17 testing, or both, and all costs incidental to such approved  
18 electronic monitoring in accordance with the defendant's  
19 ability to pay those costs. The county board with the  
20 concurrence of the Chief Judge of the judicial circuit in which  
21 the county is located shall establish reasonable fees for the  
22 cost of maintenance, testing, and incidental expenses related  
23 to the mandatory drug or alcohol testing, or both, and all  
24 costs incidental to approved electronic monitoring, involved  
25 in a successful probation program for the county. The  
26 concurrence of the Chief Judge shall be in the form of an

1 administrative order. The fees shall be collected by the clerk  
2 of the circuit court. The clerk of the circuit court shall pay  
3 all moneys collected from these fees to the county treasurer  
4 who shall use the moneys collected to defray the costs of drug  
5 testing, alcohol testing, and electronic monitoring. The  
6 county treasurer shall deposit the fees collected in the county  
7 working cash fund under Section 6-27001 or Section 6-29002 of  
8 the Counties Code, as the case may be.

9 (h) Jurisdiction over an offender may be transferred from  
10 the sentencing court to the court of another circuit with the  
11 concurrence of both courts. Further transfers or retransfers of  
12 jurisdiction are also authorized in the same manner. The court  
13 to which jurisdiction has been transferred shall have the same  
14 powers as the sentencing court.

15 (i) The court shall impose upon an offender sentenced to  
16 probation after January 1, 1989 or to conditional discharge  
17 after January 1, 1992 or to community service under the  
18 supervision of a probation or court services department after  
19 January 1, 2004, as a condition of such probation or  
20 conditional discharge or supervised community service, a fee of  
21 \$50 for each month of probation or conditional discharge  
22 supervision or supervised community service ordered by the  
23 court, unless after determining the inability of the person  
24 sentenced to probation or conditional discharge or supervised  
25 community service to pay the fee, the court assesses a lesser  
26 fee. The court may not impose the fee on a minor who is made a

1 ward of the State under the Juvenile Court Act of 1987 while  
2 the minor is in placement. The fee shall be imposed only upon  
3 an offender who is actively supervised by the probation and  
4 court services department. The fee shall be collected by the  
5 clerk of the circuit court. The clerk of the circuit court  
6 shall pay all monies collected from this fee to the county  
7 treasurer for deposit in the probation and court services fund  
8 under Section 15.1 of the Probation and Probation Officers Act.

9 A circuit court may not impose a probation fee under this  
10 subsection (i) in excess of \$25 per month unless: (1) the  
11 circuit court has adopted, by administrative order issued by  
12 the chief judge, a standard probation fee guide determining an  
13 offender's ability to pay, under guidelines developed by the  
14 Administrative Office of the Illinois Courts; and (2) the  
15 circuit court has authorized, by administrative order issued by  
16 the chief judge, the creation of a Crime Victim's Services  
17 Fund, to be administered by the Chief Judge or his or her  
18 designee, for services to crime victims and their families. Of  
19 the amount collected as a probation fee, up to \$5 of that fee  
20 collected per month may be used to provide services to crime  
21 victims and their families.

22 This amendatory Act of the 93rd General Assembly deletes  
23 the \$10 increase in the fee under this subsection that was  
24 imposed by Public Act 93-616. This deletion is intended to  
25 control over any other Act of the 93rd General Assembly that  
26 retains or incorporates that fee increase.

1 (i-5) In addition to the fees imposed under subsection (i)  
2 of this Section, in the case of an offender convicted of a  
3 felony sex offense (as defined in the Sex Offender Management  
4 Board Act) or an offense that the court or probation department  
5 has determined to be sexually motivated (as defined in the Sex  
6 Offender Management Board Act), the court or the probation  
7 department shall assess additional fees to pay for all costs of  
8 treatment, assessment, evaluation for risk and treatment, and  
9 monitoring the offender, based on that offender's ability to  
10 pay those costs either as they occur or under a payment plan.

11 (j) All fines and costs imposed under this Section for any  
12 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle  
13 Code, or a similar provision of a local ordinance, and any  
14 violation of the Child Passenger Protection Act, or a similar  
15 provision of a local ordinance, shall be collected and  
16 disbursed by the circuit clerk as provided under Section 27.5  
17 of the Clerks of Courts Act.

18 (k) Any offender who is sentenced to probation or  
19 conditional discharge for a felony sex offense as defined in  
20 the Sex Offender Management Board Act or any offense that the  
21 court or probation department has determined to be sexually  
22 motivated as defined in the Sex Offender Management Board Act  
23 shall be required to refrain from any contact, directly or  
24 indirectly, with any persons specified by the court and shall  
25 be available for all evaluations and treatment programs  
26 required by the court or the probation department.

1           (1) The court may order an offender who is sentenced to  
2 probation or conditional discharge for a violation of an order  
3 of protection be placed under electronic surveillance as  
4 provided in Section 5-8A-7 of this Code.

5           (Source: P.A. 95-331, eff. 8-21-07; 95-464, eff. 6-1-08;  
6 95-578, eff. 6-1-08; 95-696, eff. 6-1-08; 95-773, eff. 1-1-09;  
7 95-876, eff. 8-21-08; 95-983, eff. 6-1-09; 96-262, eff. 1-1-10;  
8 96-328, eff. 8-11-09; 96-362, eff. 1-1-10; 96-695, eff.  
9 8-25-09; revised 9-25-09.)

10           (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

11           Sec. 5-6-3.1. Incidents and Conditions of Supervision.

12           (a) When a defendant is placed on supervision, the court  
13 shall enter an order for supervision specifying the period of  
14 such supervision, and shall defer further proceedings in the  
15 case until the conclusion of the period.

16           (b) The period of supervision shall be reasonable under all  
17 of the circumstances of the case, but may not be longer than 2  
18 years, unless the defendant has failed to pay the assessment  
19 required by Section 10.3 of the Cannabis Control Act, Section  
20 411.2 of the Illinois Controlled Substances Act, or Section 80  
21 of the Methamphetamine Control and Community Protection Act, in  
22 which case the court may extend supervision beyond 2 years.  
23 Additionally, the court shall order the defendant to perform no  
24 less than 30 hours of community service and not more than 120  
25 hours of community service, if community service is available

1 in the jurisdiction and is funded and approved by the county  
2 board where the offense was committed, when the offense (1) was  
3 related to or in furtherance of the criminal activities of an  
4 organized gang or was motivated by the defendant's membership  
5 in or allegiance to an organized gang; or (2) is a violation of  
6 any Section of Article 24 of the Criminal Code of 1961 where a  
7 disposition of supervision is not prohibited by Section 5-6-1  
8 of this Code. The community service shall include, but not be  
9 limited to, the cleanup and repair of any damage caused by  
10 violation of Section 21-1.3 of the Criminal Code of 1961 and  
11 similar damages to property located within the municipality or  
12 county in which the violation occurred. Where possible and  
13 reasonable, the community service should be performed in the  
14 offender's neighborhood.

15 For the purposes of this Section, "organized gang" has the  
16 meaning ascribed to it in Section 10 of the Illinois Streetgang  
17 Terrorism Omnibus Prevention Act.

18 (c) The court may in addition to other reasonable  
19 conditions relating to the nature of the offense or the  
20 rehabilitation of the defendant as determined for each  
21 defendant in the proper discretion of the court require that  
22 the person:

23 (1) make a report to and appear in person before or  
24 participate with the court or such courts, person, or  
25 social service agency as directed by the court in the order  
26 of supervision;

- 1 (2) pay a fine and costs;
- 2 (3) work or pursue a course of study or vocational  
3 training;
- 4 (4) undergo medical, psychological or psychiatric  
5 treatment; or treatment for drug addiction or alcoholism;
- 6 (5) attend or reside in a facility established for the  
7 instruction or residence of defendants on probation;
- 8 (6) support his dependents;
- 9 (7) refrain from possessing a firearm or other  
10 dangerous weapon;
- 11 (8) and in addition, if a minor:
  - 12 (i) reside with his parents or in a foster home;
  - 13 (ii) attend school;
  - 14 (iii) attend a non-residential program for youth;
  - 15 (iv) contribute to his own support at home or in a  
16 foster home; or
  - 17 (v) with the consent of the superintendent of the  
18 facility, attend an educational program at a facility  
19 other than the school in which the offense was  
20 committed if he or she is placed on supervision for a  
21 crime of violence as defined in Section 2 of the Crime  
22 Victims Compensation Act committed in a school, on the  
23 real property comprising a school, or within 1,000 feet  
24 of the real property comprising a school;
- 25 (9) make restitution or reparation in an amount not to  
26 exceed actual loss or damage to property and pecuniary loss

1 or make restitution under Section 5-5-6 to a domestic  
2 violence shelter. The court shall determine the amount and  
3 conditions of payment;

4 (10) perform some reasonable public or community  
5 service;

6 (11) comply with the terms and conditions of an order  
7 of protection issued by the court pursuant to the Illinois  
8 Domestic Violence Act of 1986 or an order of protection  
9 issued by the court of another state, tribe, or United  
10 States territory. If the court has ordered the defendant to  
11 make a report and appear in person under paragraph (1) of  
12 this subsection, a copy of the order of protection shall be  
13 transmitted to the person or agency so designated by the  
14 court;

15 (12) reimburse any "local anti-crime program" as  
16 defined in Section 7 of the Anti-Crime Advisory Council Act  
17 for any reasonable expenses incurred by the program on the  
18 offender's case, not to exceed the maximum amount of the  
19 fine authorized for the offense for which the defendant was  
20 sentenced;

21 (13) contribute a reasonable sum of money, not to  
22 exceed the maximum amount of the fine authorized for the  
23 offense for which the defendant was sentenced, (i) to a  
24 "local anti-crime program", as defined in Section 7 of the  
25 Anti-Crime Advisory Council Act, or (ii) for offenses under  
26 the jurisdiction of the Department of Natural Resources, to

1 the fund established by the Department of Natural Resources  
2 for the purchase of evidence for investigation purposes and  
3 to conduct investigations as outlined in Section 805-105 of  
4 the Department of Natural Resources (Conservation) Law;

5 (14) refrain from entering into a designated  
6 geographic area except upon such terms as the court finds  
7 appropriate. Such terms may include consideration of the  
8 purpose of the entry, the time of day, other persons  
9 accompanying the defendant, and advance approval by a  
10 probation officer;

11 (15) refrain from having any contact, directly or  
12 indirectly, with certain specified persons or particular  
13 types of person, including but not limited to members of  
14 street gangs and drug users or dealers;

15 (16) refrain from having in his or her body the  
16 presence of any illicit drug prohibited by the Cannabis  
17 Control Act, the Illinois Controlled Substances Act, or the  
18 Methamphetamine Control and Community Protection Act,  
19 unless prescribed by a physician, and submit samples of his  
20 or her blood or urine or both for tests to determine the  
21 presence of any illicit drug;

22 (17) refrain from operating any motor vehicle not  
23 equipped with an ignition interlock device as defined in  
24 Section 1-129.1 of the Illinois Vehicle Code; under this  
25 condition the court may allow a defendant who is not  
26 self-employed to operate a vehicle owned by the defendant's

1 employer that is not equipped with an ignition interlock  
2 device in the course and scope of the defendant's  
3 employment; and

4 (18) if placed on supervision for a sex offense as  
5 defined in subsection (a-5) of Section 3-1-2 of this Code,  
6 unless the offender is a parent or guardian of the person  
7 under 18 years of age present in the home and no  
8 non-familial minors are present, not participate in a  
9 holiday event involving children under 18 years of age,  
10 such as distributing candy or other items to children on  
11 Halloween, wearing a Santa Claus costume on or preceding  
12 Christmas, being employed as a department store Santa  
13 Claus, or wearing an Easter Bunny costume on or preceding  
14 Easter.

15 (d) The court shall defer entering any judgment on the  
16 charges until the conclusion of the supervision.

17 (e) At the conclusion of the period of supervision, if the  
18 court determines that the defendant has successfully complied  
19 with all of the conditions of supervision, the court shall  
20 discharge the defendant and enter a judgment dismissing the  
21 charges.

22 (f) Discharge and dismissal upon a successful conclusion of  
23 a disposition of supervision shall be deemed without  
24 adjudication of guilt and shall not be termed a conviction for  
25 purposes of disqualification or disabilities imposed by law  
26 upon conviction of a crime. Two years after the discharge and

1 dismissal under this Section, unless the disposition of  
2 supervision was for a violation of Sections 3-707, 3-708,  
3 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a  
4 similar provision of a local ordinance, or for a violation of  
5 Sections 12-3.2 or 16A-3 of the Criminal Code of 1961, in which  
6 case it shall be 5 years after discharge and dismissal, a  
7 person may have his record of arrest sealed or expunged as may  
8 be provided by law. However, any defendant placed on  
9 supervision before January 1, 1980, may move for sealing or  
10 expungement of his arrest record, as provided by law, at any  
11 time after discharge and dismissal under this Section. A person  
12 placed on supervision for a sexual offense committed against a  
13 minor as defined in clause (a)(1)(L) of Section 5.2 of the  
14 Criminal Identification Act or for a violation of Section  
15 11-501 of the Illinois Vehicle Code or a similar provision of a  
16 local ordinance shall not have his or her record of arrest  
17 sealed or expunged.

18 (g) A defendant placed on supervision and who during the  
19 period of supervision undergoes mandatory drug or alcohol  
20 testing, or both, or is assigned to be placed on an approved  
21 electronic monitoring device, shall be ordered to pay the costs  
22 incidental to such mandatory drug or alcohol testing, or both,  
23 and costs incidental to such approved electronic monitoring in  
24 accordance with the defendant's ability to pay those costs. The  
25 county board with the concurrence of the Chief Judge of the  
26 judicial circuit in which the county is located shall establish

1 reasonable fees for the cost of maintenance, testing, and  
2 incidental expenses related to the mandatory drug or alcohol  
3 testing, or both, and all costs incidental to approved  
4 electronic monitoring, of all defendants placed on  
5 supervision. The concurrence of the Chief Judge shall be in the  
6 form of an administrative order. The fees shall be collected by  
7 the clerk of the circuit court. The clerk of the circuit court  
8 shall pay all moneys collected from these fees to the county  
9 treasurer who shall use the moneys collected to defray the  
10 costs of drug testing, alcohol testing, and electronic  
11 monitoring. The county treasurer shall deposit the fees  
12 collected in the county working cash fund under Section 6-27001  
13 or Section 6-29002 of the Counties Code, as the case may be.

14 (h) A disposition of supervision is a final order for the  
15 purposes of appeal.

16 (i) The court shall impose upon a defendant placed on  
17 supervision after January 1, 1992 or to community service under  
18 the supervision of a probation or court services department  
19 after January 1, 2004, as a condition of supervision or  
20 supervised community service, a fee of \$50 for each month of  
21 supervision or supervised community service ordered by the  
22 court, unless after determining the inability of the person  
23 placed on supervision or supervised community service to pay  
24 the fee, the court assesses a lesser fee. The court may not  
25 impose the fee on a minor who is made a ward of the State under  
26 the Juvenile Court Act of 1987 while the minor is in placement.

1 The fee shall be imposed only upon a defendant who is actively  
2 supervised by the probation and court services department. The  
3 fee shall be collected by the clerk of the circuit court. The  
4 clerk of the circuit court shall pay all monies collected from  
5 this fee to the county treasurer for deposit in the probation  
6 and court services fund pursuant to Section 15.1 of the  
7 Probation and Probation Officers Act.

8 A circuit court may not impose a probation fee in excess of  
9 \$25 per month unless: (1) the circuit court has adopted, by  
10 administrative order issued by the chief judge, a standard  
11 probation fee guide determining an offender's ability to pay,  
12 under guidelines developed by the Administrative Office of the  
13 Illinois Courts; and (2) the circuit court has authorized, by  
14 administrative order issued by the chief judge, the creation of  
15 a Crime Victim's Services Fund, to be administered by the Chief  
16 Judge or his or her designee, for services to crime victims and  
17 their families. Of the amount collected as a probation fee, not  
18 to exceed \$5 of that fee collected per month may be used to  
19 provide services to crime victims and their families.

20 (j) All fines and costs imposed under this Section for any  
21 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle  
22 Code, or a similar provision of a local ordinance, and any  
23 violation of the Child Passenger Protection Act, or a similar  
24 provision of a local ordinance, shall be collected and  
25 disbursed by the circuit clerk as provided under Section 27.5  
26 of the Clerks of Courts Act.

1           (k) A defendant at least 17 years of age who is placed on  
2 supervision for a misdemeanor in a county of 3,000,000 or more  
3 inhabitants and who has not been previously convicted of a  
4 misdemeanor or felony may as a condition of his or her  
5 supervision be required by the court to attend educational  
6 courses designed to prepare the defendant for a high school  
7 diploma and to work toward a high school diploma or to work  
8 toward passing the high school level Test of General  
9 Educational Development (GED) or to work toward completing a  
10 vocational training program approved by the court. The  
11 defendant placed on supervision must attend a public  
12 institution of education to obtain the educational or  
13 vocational training required by this subsection (k). The  
14 defendant placed on supervision shall be required to pay for  
15 the cost of the educational courses or GED test, if a fee is  
16 charged for those courses or test. The court shall revoke the  
17 supervision of a person who wilfully fails to comply with this  
18 subsection (k). The court shall resentence the defendant upon  
19 revocation of supervision as provided in Section 5-6-4. This  
20 subsection (k) does not apply to a defendant who has a high  
21 school diploma or has successfully passed the GED test. This  
22 subsection (k) does not apply to a defendant who is determined  
23 by the court to be developmentally disabled or otherwise  
24 mentally incapable of completing the educational or vocational  
25 program.

26           (1) The court shall require a defendant placed on

1 supervision for possession of a substance prohibited by the  
2 Cannabis Control Act, the Illinois Controlled Substances Act,  
3 or the Methamphetamine Control and Community Protection Act  
4 after a previous conviction or disposition of supervision for  
5 possession of a substance prohibited by the Cannabis Control  
6 Act, the Illinois Controlled Substances Act, or the  
7 Methamphetamine Control and Community Protection Act or a  
8 sentence of probation under Section 10 of the Cannabis Control  
9 Act or Section 410 of the Illinois Controlled Substances Act  
10 and after a finding by the court that the person is addicted,  
11 to undergo treatment at a substance abuse program approved by  
12 the court.

13 (m) The Secretary of State shall require anyone placed on  
14 court supervision for a violation of Section 3-707 of the  
15 Illinois Vehicle Code or a similar provision of a local  
16 ordinance to give proof of his or her financial responsibility  
17 as defined in Section 7-315 of the Illinois Vehicle Code. The  
18 proof shall be maintained by the individual in a manner  
19 satisfactory to the Secretary of State for a minimum period of  
20 3 years after the date the proof is first filed. The proof  
21 shall be limited to a single action per arrest and may not be  
22 affected by any post-sentence disposition. The Secretary of  
23 State shall suspend the driver's license of any person  
24 determined by the Secretary to be in violation of this  
25 subsection.

26 (n) Any offender placed on supervision for any offense that

1 the court or probation department has determined to be sexually  
2 motivated as defined in the Sex Offender Management Board Act  
3 shall be required to refrain from any contact, directly or  
4 indirectly, with any persons specified by the court and shall  
5 be available for all evaluations and treatment programs  
6 required by the court or the probation department.

7 (o) An offender placed on supervision for a sex offense as  
8 defined in the Sex Offender Management Board Act shall refrain  
9 from residing at the same address or in the same condominium  
10 unit or apartment unit or in the same condominium complex or  
11 apartment complex with another person he or she knows or  
12 reasonably should know is a convicted sex offender or has been  
13 placed on supervision for a sex offense. The provisions of this  
14 subsection (o) do not apply to a person convicted of a sex  
15 offense who is placed in a Department of Corrections licensed  
16 transitional housing facility for sex offenders.

17 (p) An offender placed on supervision for an offense  
18 committed on or after June 1, 2008 (the effective date of  
19 Public Act 95-464) that would qualify the accused as a child  
20 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
21 Criminal Code of 1961 shall refrain from communicating with or  
22 contacting, by means of the Internet, a person who is not  
23 related to the accused and whom the accused reasonably believes  
24 to be under 18 years of age. For purposes of this subsection  
25 (p), "Internet" has the meaning ascribed to it in Section 16J-5  
26 of the Criminal Code of 1961; and a person is not related to

1 the accused if the person is not: (i) the spouse, brother, or  
2 sister of the accused; (ii) a descendant of the accused; (iii)  
3 a first or second cousin of the accused; or (iv) a step-child  
4 or adopted child of the accused.

5 (q) An offender placed on supervision for an offense  
6 committed on or after June 1, 2008 (the effective date of  
7 Public Act 95-464) that would qualify the accused as a child  
8 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
9 Criminal Code of 1961 shall, if so ordered by the court,  
10 refrain from communicating with or contacting, by means of the  
11 Internet, a person who is related to the accused and whom the  
12 accused reasonably believes to be under 18 years of age. For  
13 purposes of this subsection (q), "Internet" has the meaning  
14 ascribed to it in Section 16J-5 of the Criminal Code of 1961;  
15 and a person is related to the accused if the person is: (i)  
16 the spouse, brother, or sister of the accused; (ii) a  
17 descendant of the accused; (iii) a first or second cousin of  
18 the accused; or (iv) a step-child or adopted child of the  
19 accused.

20 (r) An offender placed on supervision for an offense under  
21 Section 11-6, 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of  
22 the Criminal Code of 1961, or any attempt to commit any of  
23 these offenses, committed on or after the effective date of  
24 this amendatory Act of the 95th General Assembly shall:

25 (i) not access or use a computer or any other device  
26 with Internet capability without the prior written

1 approval of the court, except in connection with the  
2 offender's employment or search for employment with the  
3 prior approval of the court;

4 (ii) submit to periodic unannounced examinations of  
5 the offender's computer or any other device with Internet  
6 capability by the offender's probation officer, a law  
7 enforcement officer, or assigned computer or information  
8 technology specialist, including the retrieval and copying  
9 of all data from the computer or device and any internal or  
10 external peripherals and removal of such information,  
11 equipment, or device to conduct a more thorough inspection;

12 (iii) submit to the installation on the offender's  
13 computer or device with Internet capability, at the  
14 offender's expense, of one or more hardware or software  
15 systems to monitor the Internet use; and

16 (iv) submit to any other appropriate restrictions  
17 concerning the offender's use of or access to a computer or  
18 any other device with Internet capability imposed by the  
19 court.

20 (s) An offender placed on supervision for an offense that  
21 is a sex offense as defined in Section 2 of the Sex Offender  
22 Registration Act that is committed on or after January 1, 2010  
23 (the effective date of Public Act 96-362) ~~this amendatory Act~~  
24 ~~of the 96th General Assembly~~ that requires the person to  
25 register as a sex offender under that Act, may not knowingly  
26 use any computer scrub software on any computer that the sex

1 offender uses.

2 (t) ~~(s)~~ An offender placed on supervision for a sex offense  
3 as defined in the Sex Offender Registration Act committed on or  
4 after January 1, 2010 (the effective date of Public Act 96-262)  
5 ~~this amendatory Act of the 96th General Assembly~~ shall refrain  
6 from accessing or using a social networking website as defined  
7 in Section 16D-2 of the Criminal Code of 1961.

8 (Source: P.A. 95-211, eff. 1-1-08; 95-331, eff. 8-21-07;  
9 95-464, eff. 6-1-08; 95-696, eff. 6-1-08; 95-876, eff. 8-21-08;  
10 95-983, eff. 6-1-09; 96-262, eff. 1-1-10; 96-362, eff. 1-1-10;  
11 96-409, eff. 1-1-10; revised 9-25-09.)

12 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

13 Sec. 5-8-1. Natural life imprisonment; mandatory  
14 supervised release.

15 (a) Except as otherwise provided in the statute defining  
16 the offense or in Article 4.5 of Chapter V, a sentence of  
17 imprisonment for a felony shall be a determinate sentence set  
18 by the court under this Section, according to the following  
19 limitations:

20 (1) for first degree murder,

21 (a) (blank),

22 (b) if a trier of fact finds beyond a reasonable  
23 doubt that the murder was accompanied by exceptionally  
24 brutal or heinous behavior indicative of wanton  
25 cruelty or, except as set forth in subsection (a) (1) (c)

1 of this Section, that any of the aggravating factors  
2 listed in subsection (b) of Section 9-1 of the Criminal  
3 Code of 1961 are present, the court may sentence the  
4 defendant to a term of natural life imprisonment, or

5 (c) the court shall sentence the defendant to a  
6 term of natural life imprisonment when the death  
7 penalty is not imposed if the defendant,

8 (i) has previously been convicted of first  
9 degree murder under any state or federal law, or

10 (ii) is a person who, at the time of the  
11 commission of the murder, had attained the age of  
12 17 or more and is found guilty of murdering an  
13 individual under 12 years of age; or, irrespective  
14 of the defendant's age at the time of the  
15 commission of the offense, is found guilty of  
16 murdering more than one victim, or

17 (iii) is found guilty of murdering a peace  
18 officer, fireman, or emergency management worker  
19 when the peace officer, fireman, or emergency  
20 management worker was killed in the course of  
21 performing his official duties, or to prevent the  
22 peace officer or fireman from performing his  
23 official duties, or in retaliation for the peace  
24 officer, fireman, or emergency management worker  
25 from performing his official duties, and the  
26 defendant knew or should have known that the

1 murdered individual was a peace officer, fireman,  
2 or emergency management worker, or

3 (iv) is found guilty of murdering an employee  
4 of an institution or facility of the Department of  
5 Corrections, or any similar local correctional  
6 agency, when the employee was killed in the course  
7 of performing his official duties, or to prevent  
8 the employee from performing his official duties,  
9 or in retaliation for the employee performing his  
10 official duties, or

11 (v) is found guilty of murdering an emergency  
12 medical technician - ambulance, emergency medical  
13 technician - intermediate, emergency medical  
14 technician - paramedic, ambulance driver or other  
15 medical assistance or first aid person while  
16 employed by a municipality or other governmental  
17 unit when the person was killed in the course of  
18 performing official duties or to prevent the  
19 person from performing official duties or in  
20 retaliation for performing official duties and the  
21 defendant knew or should have known that the  
22 murdered individual was an emergency medical  
23 technician - ambulance, emergency medical  
24 technician - intermediate, emergency medical  
25 technician - paramedic, ambulance driver, or other  
26 medical assistant or first aid personnel, or

1 (vi) is a person who, at the time of the  
2 commission of the murder, had not attained the age  
3 of 17, and is found guilty of murdering a person  
4 under 12 years of age and the murder is committed  
5 during the course of aggravated criminal sexual  
6 assault, criminal sexual assault, or aggravated  
7 kidnaping, or

8 (vii) is found guilty of first degree murder  
9 and the murder was committed by reason of any  
10 person's activity as a community policing  
11 volunteer or to prevent any person from engaging in  
12 activity as a community policing volunteer. For  
13 the purpose of this Section, "community policing  
14 volunteer" has the meaning ascribed to it in  
15 Section 2-3.5 of the Criminal Code of 1961.

16 For purposes of clause (v), "emergency medical  
17 technician - ambulance", "emergency medical technician  
18 - intermediate", "emergency medical technician -  
19 paramedic", have the meanings ascribed to them in the  
20 Emergency Medical Services (EMS) Systems Act.

21 (d) (i) if the person committed the offense while  
22 armed with a firearm, 15 years shall be added to  
23 the term of imprisonment imposed by the court;

24 (ii) if, during the commission of the offense,  
25 the person personally discharged a firearm, 20  
26 years shall be added to the term of imprisonment

1 imposed by the court;

2 (iii) if, during the commission of the  
3 offense, the person personally discharged a  
4 firearm that proximately caused great bodily harm,  
5 permanent disability, permanent disfigurement, or  
6 death to another person, 25 years or up to a term  
7 of natural life shall be added to the term of  
8 imprisonment imposed by the court.

9 (2) (blank);

10 (2.5) for a person convicted under the circumstances  
11 described in paragraph (3) of subsection (b) of Section  
12 12-13, paragraph (2) of subsection (d) of Section 12-14,  
13 paragraph (1.2) of subsection (b) of Section 12-14.1, or  
14 paragraph (2) of subsection (b) of Section 12-14.1 of the  
15 Criminal Code of 1961, the sentence shall be a term of  
16 natural life imprisonment.

17 (b) (Blank~~→~~).

18 (c) (Blank~~→~~).

19 (d) Subject to earlier termination under Section 3-3-8, the  
20 parole or mandatory supervised release term shall be as  
21 follows:

22 (1) for first degree murder or a Class X felony except  
23 for the offenses of predatory criminal sexual assault of a  
24 child, aggravated criminal sexual assault, and criminal  
25 sexual assault if committed on or after the effective date  
26 of this amendatory Act of the 94th General Assembly and

1           except for the offense of aggravated child pornography  
2           under Section 11-20.3 of the Criminal Code of 1961, if  
3           committed on or after January 1, 2009, 3 years;

4           (2) for a Class 1 felony or a Class 2 felony except for  
5           the offense of criminal sexual assault if committed on or  
6           after the effective date of this amendatory Act of the 94th  
7           General Assembly and except for the offenses of manufacture  
8           and dissemination of child pornography under clauses  
9           (a) (1) and (a) (2) of Section 11-20.1 of the Criminal Code  
10          of 1961, if committed on or after January 1, 2009, 2 years;

11          (3) for a Class 3 felony or a Class 4 felony, 1 year;

12          (4) for defendants who commit the offense of predatory  
13          criminal sexual assault of a child, aggravated criminal  
14          sexual assault, or criminal sexual assault, on or after the  
15          effective date of this amendatory Act of the 94th General  
16          Assembly, or who commit the offense of aggravated child  
17          pornography, manufacture of child pornography, or  
18          dissemination of child pornography after January 1, 2009,  
19          the term of mandatory supervised release shall range from a  
20          minimum of 3 years to a maximum of the natural life of the  
21          defendant;

22          (5) if the victim is under 18 years of age, for a  
23          second or subsequent offense of aggravated criminal sexual  
24          abuse or felony criminal sexual abuse, 4 years, at least  
25          the first 2 years of which the defendant shall serve in an  
26          electronic home detention program under Article 8A of

1 Chapter V of this Code;

2 (6) for a felony domestic battery, aggravated domestic  
3 battery, stalking, aggravated stalking, and a felony  
4 violation of an order of protection, 4 years.

5 (e) (Blank~~-~~).

6 (f) (Blank~~-~~).

7 (Source: P.A. 95-983, eff. 6-1-09; 95-1052, eff. 7-1-09;  
8 96-282, eff. 1-1-10; revised 9-4-09.)

9 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

10 Sec. 5-8-4. Concurrent and consecutive terms of  
11 imprisonment.

12 (a) Concurrent terms; multiple or additional sentences.  
13 When an Illinois court (i) imposes multiple sentences of  
14 imprisonment on a defendant at the same time or (ii) imposes a  
15 sentence of imprisonment on a defendant who is already subject  
16 to a sentence of imprisonment imposed by an Illinois court, a  
17 court of another state, or a federal court, then the sentences  
18 shall run concurrently unless otherwise determined by the  
19 Illinois court under this Section.

20 (b) Concurrent terms; misdemeanor and felony. A defendant  
21 serving a sentence for a misdemeanor who is convicted of a  
22 felony and sentenced to imprisonment shall be transferred to  
23 the Department of Corrections, and the misdemeanor sentence  
24 shall be merged in and run concurrently with the felony  
25 sentence.

1 (c) Consecutive terms; permissive. The court may impose  
2 consecutive sentences in any of the following circumstances:

3 (1) If, having regard to the nature and circumstances  
4 of the offense and the history and character of the  
5 defendant, it is the opinion of the court that consecutive  
6 sentences are required to protect the public from further  
7 criminal conduct by the defendant, the basis for which the  
8 court shall set forth in the record.

9 (2) If one of the offenses for which a defendant was  
10 convicted was a violation of Section 32-5.2 (aggravated  
11 false personation of a peace officer) of the Criminal Code  
12 of 1961 (720 ILCS 5/32-5.2) and the offense was committed  
13 in attempting or committing a forcible felony.

14 (d) Consecutive terms; mandatory. The court shall impose  
15 consecutive sentences in each of the following circumstances:

16 (1) One of the offenses for which the defendant was  
17 convicted was first degree murder or a Class X or Class 1  
18 felony and the defendant inflicted severe bodily injury.

19 (2) The defendant was convicted of a violation of  
20 Section 12-13 (criminal sexual assault), 12-14 (aggravated  
21 criminal sexual assault), or 12-14.1 (predatory criminal  
22 sexual assault of a child) of the Criminal Code of 1961  
23 (720 ILCS 5/12-13, 5/12-14, or 5/12-14.1).

24 (3) The defendant was convicted of armed violence based  
25 upon the predicate offense of any of the following:  
26 solicitation of murder, solicitation of murder for hire,

1 heinous battery, aggravated battery of a senior citizen,  
2 criminal sexual assault, a violation of subsection (g) of  
3 Section 5 of the Cannabis Control Act (720 ILCS 550/5),  
4 cannabis trafficking, a violation of subsection (a) of  
5 Section 401 of the Illinois Controlled Substances Act (720  
6 ILCS 570/401), controlled substance trafficking involving  
7 a Class X felony amount of controlled substance under  
8 Section 401 of the Illinois Controlled Substances Act (720  
9 ILCS 570/401), a violation of the Methamphetamine Control  
10 and Community Protection Act (720 ILCS 646/), calculated  
11 criminal drug conspiracy, or streetgang criminal drug  
12 conspiracy.

13 (4) The defendant was convicted of the offense of  
14 leaving the scene of a motor vehicle accident involving  
15 death or personal injuries under Section 11-401 of the  
16 Illinois Vehicle Code (625 ILCS 5/11-401) and either: (A)  
17 aggravated driving under the influence of alcohol, other  
18 drug or drugs, or intoxicating compound or compounds, or  
19 any combination thereof under Section 11-501 of the  
20 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless  
21 homicide under Section 9-3 of the Criminal Code of 1961  
22 (720 ILCS 5/9-3), or (C) both an offense described in item  
23 (A) and an offense described in item (B).

24 (5) The defendant was convicted of a violation of  
25 Section 9-3.1 (concealment of homicidal death) or Section  
26 12-20.5 (dismembering a human body) of the Criminal Code of

1 1961 (720 ILCS 5/9-3.1 or 5/12-20.5). ~~or~~

2 (5.5) The ~~(vi) the~~ defendant was convicted of a  
3 violation of Section 24-3.7 (use of a stolen firearm in the  
4 commission of an offense) of the Criminal Code of 1961.7

5 (6) If the defendant was in the custody of the  
6 Department of Corrections at the time of the commission of  
7 the offense, the sentence shall be served consecutive to  
8 the sentence under which the defendant is held by the  
9 Department of Corrections. If, however, the defendant is  
10 sentenced to punishment by death, the sentence shall be  
11 executed at such time as the court may fix without regard  
12 to the sentence under which the defendant may be held by  
13 the Department.

14 (7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4)  
15 for escape or attempted escape shall be served consecutive  
16 to the terms under which the offender is held by the  
17 Department of Corrections.

18 (8) If a person charged with a felony commits a  
19 separate felony while on pretrial release or in pretrial  
20 detention in a county jail facility or county detention  
21 facility, then the sentences imposed upon conviction of  
22 these felonies shall be served consecutively regardless of  
23 the order in which the judgments of conviction are entered.

24 (8.5) If a person commits a battery against a county  
25 correctional officer or sheriff's employee while serving a  
26 sentence or in pretrial detention in a county jail

1 facility, then the sentence imposed upon conviction of the  
2 battery shall be served consecutively with the sentence  
3 imposed upon conviction of the earlier misdemeanor or  
4 felony, regardless of the order in which the judgments of  
5 conviction are entered.

6 (9) If a person admitted to bail following conviction  
7 of a felony commits a separate felony while free on bond or  
8 if a person detained in a county jail facility or county  
9 detention facility following conviction of a felony  
10 commits a separate felony while in detention, then any  
11 sentence following conviction of the separate felony shall  
12 be consecutive to that of the original sentence for which  
13 the defendant was on bond or detained.

14 (10) If a person is found to be in possession of an  
15 item of contraband, as defined in clause (c) (2) of Section  
16 31A-1.1 of the Criminal Code of 1961, while serving a  
17 sentence in a county jail or while in pre-trial detention  
18 in a county jail, the sentence imposed upon conviction for  
19 the offense of possessing contraband in a penal institution  
20 shall be served consecutively to the sentence imposed for  
21 the offense in which the person is serving sentence in the  
22 county jail or serving pretrial detention, regardless of  
23 the order in which the judgments of conviction are entered.

24 (e) Consecutive terms; subsequent non-Illinois term. If an  
25 Illinois court has imposed a sentence of imprisonment on a  
26 defendant and the defendant is subsequently sentenced to a term

1 of imprisonment by a court of another state or a federal court,  
2 then the Illinois sentence shall run consecutively to the  
3 sentence imposed by the court of the other state or the federal  
4 court. That same Illinois court, however, may order that the  
5 Illinois sentence run concurrently with the sentence imposed by  
6 the court of the other state or the federal court, but only if  
7 the defendant applies to that same Illinois court within 30  
8 days after the sentence imposed by the court of the other state  
9 or the federal court is finalized.

10 (f) Consecutive terms; aggregate maximums and minimums.  
11 The aggregate maximum and aggregate minimum of consecutive  
12 sentences shall be determined as follows:

13 (1) For sentences imposed under law in effect prior to  
14 February 1, 1978, the aggregate maximum of consecutive  
15 sentences shall not exceed the maximum term authorized  
16 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of  
17 Chapter V for the 2 most serious felonies involved. The  
18 aggregate minimum period of consecutive sentences shall  
19 not exceed the highest minimum term authorized under  
20 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter  
21 V for the 2 most serious felonies involved. When sentenced  
22 only for misdemeanors, a defendant shall not be  
23 consecutively sentenced to more than the maximum for one  
24 Class A misdemeanor.

25 (2) For sentences imposed under the law in effect on or  
26 after February 1, 1978, the aggregate of consecutive

1 sentences for offenses that were committed as part of a  
2 single course of conduct during which there was no  
3 substantial change in the nature of the criminal objective  
4 shall not exceed the sum of the maximum terms authorized  
5 under Section 5-8-2 (730 ILCS 5/5-8-2) for the 2 most  
6 serious felonies involved, but no such limitation shall  
7 apply for offenses that were not committed as part of a  
8 single course of conduct during which there was no  
9 substantial change in the nature of the criminal objective.  
10 When sentenced only for misdemeanors, a defendant shall not  
11 be consecutively sentenced to more than the maximum for one  
12 Class A misdemeanor.

13 (g) Consecutive terms; manner served. In determining the  
14 manner in which consecutive sentences of imprisonment, one or  
15 more of which is for a felony, will be served, the Department  
16 of Corrections shall treat the defendant as though he or she  
17 had been committed for a single term subject to each of the  
18 following:

19 (1) The maximum period of a term of imprisonment shall  
20 consist of the aggregate of the maximums of the imposed  
21 indeterminate terms, if any, plus the aggregate of the  
22 imposed determinate sentences for felonies, plus the  
23 aggregate of the imposed determinate sentences for  
24 misdemeanors, subject to subsection (f) of this Section.

25 (2) The parole or mandatory supervised release term  
26 shall be as provided in paragraph (e) of Section 5-4.5-50

1 (730 ILCS 5/5-4.5-50) for the most serious of the offenses  
2 involved.

3 (3) The minimum period of imprisonment shall be the  
4 aggregate of the minimum and determinate periods of  
5 imprisonment imposed by the court, subject to subsection  
6 (f) of this Section.

7 (4) The defendant shall be awarded credit against the  
8 aggregate maximum term and the aggregate minimum term of  
9 imprisonment for all time served in an institution since  
10 the commission of the offense or offenses and as a  
11 consequence thereof at the rate specified in Section 3-6-3  
12 (730 ILCS 5/3-6-3).

13 (Source: P.A. 95-379, eff. 8-23-07; 95-766, eff. 1-1-09;  
14 95-1052, eff. 7-1-09; 96-190, eff. 1-1-10; revised 8-20-09.)

15 (730 ILCS 5/5-8-8)

16 (Section scheduled to be repealed on December 31, 2012)

17 Sec. 5-8-8. Illinois Sentencing Policy Advisory Council.

18 (a) Creation. There is created under the jurisdiction of  
19 the Governor the Illinois Sentencing Policy Advisory Council,  
20 hereinafter referred to as the Council.

21 (b) Purposes and goals. The purpose of the Council is to  
22 review sentencing policies and practices and examine how these  
23 policies and practices impact the criminal justice system as a  
24 whole in the State of Illinois. In carrying out its duties, the  
25 Council shall be mindful of and aim to achieve the purposes of

1 sentencing in Illinois, which are set out in Section 1-1-2 of  
2 this Code:

3 (1) prescribe sanctions proportionate to the  
4 seriousness of the offenses and permit the recognition of  
5 differences in rehabilitation possibilities among  
6 individual offenders;

7 (2) forbid and prevent the commission of offenses;

8 (3) prevent arbitrary or oppressive treatment of  
9 persons adjudicated offenders or delinquents; and

10 (4) restore offenders to useful citizenship.

11 (c) Council composition.

12 (1) The Council shall consist of the following members:

13 (A) the President of the Senate, or his or her  
14 designee;

15 (B) the Minority Leader of the Senate, or his or  
16 her designee;

17 (C) the Speaker of the House, or his or her  
18 designee;

19 (D) the Minority Leader of the House, or his or her  
20 designee;

21 (E) the Governor, or his or her designee;

22 (F) the Attorney General, or his or her designee;

23 (G) two retired judges, who may have been circuit,  
24 appellate or supreme court judges, selected by the members  
25 of the Council designated in clauses (c) (1) (A) through (L);

26 (H) the Cook County State's Attorney, or his or her

1           designee;

2           (I) the Cook County Public Defender, or his or her  
3           designee;

4           (J) a State's Attorney not from Cook County,  
5           appointed by the State's Attorney's Appellate  
6           Prosecutor;

7           (K) the State Appellate Defender, or his or her  
8           designee;

9           (L) the Director of the Administrative Office of  
10          the Illinois Courts, or his or her designee;

11          (M) a victim of a violent felony or a  
12          representative of a crime victims' organization,  
13          selected by the members of the Council designated in  
14          clauses (c) (1) (A) through (L);

15          (N) a representative of a community-based  
16          organization, selected by the members of the Council  
17          designated in clauses (c) (1) (A) through (L);

18          (O) a criminal justice academic researcher, to be  
19          selected by the members of the Council designated in  
20          clauses (c) (1) (A) through (L);

21          (P) a representative of law enforcement from a unit  
22          of local government to be selected by the members of  
23          the Council designated in clauses (c) (1) (A) through  
24          (L);

25          (Q) a sheriff selected by the members of the  
26          Council designated in clauses (c) (1) (A) through (L);

1           and

2           (R) ex-officio members shall include:

3                 (i) the Director of Corrections, or his or her  
4           designee;

5                 (ii) the Chair of the Prisoner Review Board, or  
6           his or her designee;

7                 (iii) the Director of the Illinois State  
8           Police, or his or her designee;

9                 (iv) the Director of the Illinois Criminal  
10          Justice Information Authority, or his or her  
11          designee; and

12                 (v) the assistant Director of the  
13          Administrative Office of the Illinois Courts, or  
14          his or her designee. ~~and~~

15          (1.5) The ~~(T) the~~ Chair and Vice Chair shall be elected  
16          from among its members by a majority of the members of the  
17          Council.

18                 (2) Members of the Council who serve because of their  
19          public office or position, or those who are designated as  
20          members by such officials, shall serve only as long as they  
21          hold such office or position.

22                 (3) Council members shall serve without compensation  
23          but shall be reimbursed for travel and per diem expenses  
24          incurred in their work for the Council.

25                 (4) The Council may exercise any power, perform any  
26          function, take any action, or do anything in furtherance of

1 its purposes and goals upon the appointment of a quorum of  
2 its members. The term of office of each member of the  
3 Council ends on the date of repeal of this amendatory Act  
4 of the 96th General Assembly.

5 (d) Duties. The Council shall perform, as resources permit,  
6 duties including:

7 (1) Collect and analyze information including  
8 sentencing data, crime trends, and existing correctional  
9 resources to support legislative and executive action  
10 affecting the use of correctional resources on the State  
11 and local levels.

12 (2) Prepare criminal justice population projections  
13 annually, including correctional and community-based  
14 supervision populations.

15 (3) Analyze data relevant to proposed sentencing  
16 legislation and its effect on current policies or  
17 practices, and provide information to support  
18 evidence-based sentencing.

19 (4) Ensure that adequate resources and facilities are  
20 available for carrying out sentences imposed on offenders  
21 and that rational priorities are established for the use of  
22 those resources. To do so, the Council shall prepare  
23 criminal justice resource statements, identifying the  
24 fiscal and practical effects of proposed criminal  
25 sentencing legislation, including, but not limited to, the  
26 correctional population, court processes, and county or

1 local government resources.

2 (5) Perform such other studies or tasks pertaining to  
3 sentencing policies as may be requested by the Governor or  
4 the Illinois General Assembly.

5 (6) Perform such other functions as may be required by  
6 law or as are necessary to carry out the purposes and goals  
7 of the Council prescribed in subsection (b).

8 (e) Authority.

9 (1) The Council shall have the power to perform the  
10 functions necessary to carry out its duties, purposes and  
11 goals under this Act. In so doing, the Council shall  
12 utilize information and analysis developed by the Illinois  
13 Criminal Justice Information Authority, the Administrative  
14 Office of the Illinois Courts, and the Illinois Department  
15 of Corrections.

16 (2) Upon request from the Council, each executive  
17 agency and department of State and local government shall  
18 provide information and records to the Council in the  
19 execution of its duties.

20 (f) Report. The Council shall report in writing annually to  
21 the General Assembly and the Governor.

22 (g) This Section is repealed on December 31, 2012.

23 (Source: P.A. 96-711, eff. 8-25-09; revised 11-4-09.)

24 (730 ILCS 5/5-9-1.1-5)

25 Sec. 5-9-1.1-5. Methamphetamine related offenses.

1           (a) When a person has been adjudged guilty of a  
2 methamphetamine related offense involving possession or  
3 delivery of methamphetamine or any salt of an optical isomer of  
4 methamphetamine or possession of a methamphetamine  
5 manufacturing material as set forth in Section 10 of the  
6 Methamphetamine Control and Community Protection Act with the  
7 intent to manufacture a substance containing methamphetamine  
8 or salt of an optical isomer of methamphetamine, in addition to  
9 any other penalty imposed, a fine shall be levied by the court  
10 at not less than the full street value of the methamphetamine  
11 or salt of an optical isomer of methamphetamine or  
12 methamphetamine manufacturing materials seized.

13           "Street value" shall be determined by the court on the  
14 basis of testimony of law enforcement personnel and the  
15 defendant as to the amount seized and such testimony as may be  
16 required by the court as to the current street value of the  
17 methamphetamine or salt of an optical isomer of methamphetamine  
18 or methamphetamine manufacturing materials seized.

19           (b) In addition to any penalty imposed under subsection (a)  
20 of this Section, a fine of \$100 shall be levied by the court,  
21 the proceeds of which shall be collected by the Circuit Clerk  
22 and remitted to the State Treasurer under Section 27.6 of the  
23 Clerks of Courts Act for deposit into the Methamphetamine Law  
24 Enforcement Fund and allocated as provided in subsection (d) of  
25 Section 5-9-1.2.

26           (c) In addition to any penalty imposed under subsection (a)

1 of this Section, a \$25 assessment shall be assessed by the  
2 court, the proceeds of which shall be collected by the Circuit  
3 Clerk and remitted to the State Treasurer for deposit into the  
4 State Police Services Fund and shall be used for grants by the  
5 Department of State Police to drug task forces and Metropolitan  
6 Enforcement Groups in accordance with the Intergovernmental  
7 Drug Laws Enforcement Act.

8 (Source: P.A. 96-200, eff. 8-10-09; 96-402, eff. 1-1-10;  
9 revised 9-25-09.)

10 (730 ILCS 5/5-9-1.17)

11 Sec. 5-9-1.17. Additional fine to fund expungement of  
12 juvenile records.

13 (a) There shall be added to every penalty imposed in  
14 sentencing for a criminal offense an additional fine of \$30 to  
15 be imposed upon a plea of guilty or finding of guilty resulting  
16 in a judgment of conviction.

17 (b) Ten dollars of each such additional fine shall be  
18 remitted to the State Treasurer for deposit into the State  
19 Police Services Fund to be used to implement the expungement of  
20 juvenile records as provided in Section 5-622 of the Juvenile  
21 Court Act of 1987, \$10 shall be paid to the State's Attorney's  
22 Office that prosecuted the criminal offense, and \$10 shall be  
23 retained by the Circuit Clerk for administrative costs  
24 associated with the expungement of juvenile records and shall  
25 be deposited into the Circuit Court Clerk Operation and

1 Administrative Fund.

2 (Source: P.A. 96-707, eff. 1-1-10.)

3 (730 ILCS 5/5-9-1.18)

4 Sec. 5-9-1.18 ~~5-9-1.17~~. Fee; Roadside Memorial Fund. A  
5 person who is convicted or receives a disposition of court  
6 supervision for a violation of Section 11-501 of the Illinois  
7 Vehicle Code shall, in addition to any other disposition,  
8 penalty, or fine imposed, pay a fee of \$50 which shall be  
9 collected by the clerk of the court and then remitted to the  
10 State Treasurer for deposit into the Roadside Memorial Fund, a  
11 special fund that is created in the State treasury. However,  
12 the court may waive the fee if full restitution is complied  
13 with. Subject to appropriation, all moneys in the Roadside  
14 Memorial Fund shall be used by the Department of Transportation  
15 to pay fees imposed under subsection (f) of Section 20 of the  
16 Roadside Memorial Act.

17 (Source: P.A. 96-667, eff. 8-25-09; revised 10-16-09.)

18 Section 625. The Code of Civil Procedure is amended by  
19 changing Section 15-1701 as follows:

20 (735 ILCS 5/15-1701) (from Ch. 110, par. 15-1701)

21 Sec. 15-1701. Right to possession.

22 (a) General. The provisions of this Article shall govern  
23 the right to possession of the mortgaged real estate during

1 foreclosure. Possession under this Article includes physical  
2 possession of the mortgaged real estate to the same extent to  
3 which the mortgagor, absent the foreclosure, would have been  
4 entitled to physical possession. For the purposes of Part 17,  
5 real estate is residential real estate only if it is  
6 residential real estate at the time the foreclosure is  
7 commenced.

8 (b) Pre-Judgment. Prior to the entry of a judgment of  
9 foreclosure:

10 (1) In the case of residential real estate, the  
11 mortgagor shall be entitled to possession of the real  
12 estate except if (i) the mortgagee shall object and show  
13 good cause, (ii) the mortgagee is so authorized by the  
14 terms of the mortgage or other written instrument, and  
15 (iii) the court is satisfied that there is a reasonable  
16 probability that the mortgagee will prevail on a final  
17 hearing of the cause, the court shall upon request place  
18 the mortgagee in possession. If the residential real estate  
19 consists of more than one dwelling unit, then for the  
20 purpose of this Part residential real estate shall mean  
21 only that dwelling unit or units occupied by persons  
22 described in clauses (i), (ii) and (iii) of Section  
23 15-1219.

24 (2) In all other cases, if (i) the mortgagee is so  
25 authorized by the terms of the mortgage or other written  
26 instrument, and (ii) the court is satisfied that there is a

1 reasonable probability that the mortgagee will prevail on a  
2 final hearing of the cause, the mortgagee shall upon  
3 request be placed in possession of the real estate, except  
4 that if the mortgagor shall object and show good cause, the  
5 court shall allow the mortgagor to remain in possession.

6 (c) Judgment Through 30 Days After Sale Confirmation. After  
7 the entry of a judgment of foreclosure and through the 30th day  
8 after a foreclosure sale is confirmed:

9 (1) Subsection (b) of Section 15-1701 shall be  
10 applicable, regardless of the provisions of the mortgage or  
11 other instrument, except that after a sale pursuant to the  
12 judgment the holder of the certificate of sale (or, if  
13 none, the purchaser at the sale) shall have the mortgagee's  
14 right to be placed in possession, with all rights and  
15 duties of a mortgagee in possession under this Article.

16 (2) Notwithstanding paragraph (1) of subsection (b)  
17 and paragraph (1) of subsection (c) of Section 15-1701,  
18 upon request of the mortgagee, a mortgagor of residential  
19 real estate shall not be allowed to remain in possession  
20 between the expiration of the redemption period and through  
21 the 30th day after sale confirmation unless (i) the  
22 mortgagor pays to the mortgagee or such holder or  
23 purchaser, whichever is applicable, monthly the lesser of  
24 the interest due under the mortgage calculated at the  
25 mortgage rate of interest applicable as if no default had  
26 occurred or the fair rental value of the real estate, or

1 (ii) the mortgagor otherwise shows good cause. Any amounts  
2 paid by the mortgagor pursuant to this subsection shall be  
3 credited against the amounts due from the mortgagor.

4 (d) After 30 Days After Sale Confirmation. The holder of  
5 the certificate of sale or deed issued pursuant to that  
6 certificate or, if no certificate or deed was issued, the  
7 purchaser, except to the extent the holder or purchaser may  
8 consent otherwise, shall be entitled to possession of the  
9 mortgaged real estate, as of the date 30 days after the order  
10 confirming the sale is entered, against those parties to the  
11 foreclosure whose interests the court has ordered terminated,  
12 without further notice to any party, further order of the  
13 court, or resort to proceedings under any other statute other  
14 than this Article. This right to possession shall be limited by  
15 the provisions governing entering and enforcing orders of  
16 possession under subsection (g) of Section 15-1508. If the  
17 holder or purchaser determines that there are occupants of the  
18 mortgaged real estate who have not been made parties to the  
19 foreclosure and had their interests terminated therein, the  
20 holder or purchaser may bring a proceeding under subsection (h)  
21 of this Section or under Article 9 of this Code to terminate  
22 the rights of possession of any such occupants. The holder or  
23 purchaser shall not be entitled to proceed against any such  
24 occupant under Article 9 of this Code until after 30 days after  
25 the order confirming the sale is entered.

26 (e) Termination of Leases. A lease of all or any part of

1 the mortgaged real estate shall not be terminated automatically  
2 solely by virtue of the entry into possession by (i) a  
3 mortgagee or receiver prior to the entry of an order confirming  
4 the sale, (ii) the holder of the certificate of sale, (iii) the  
5 holder of the deed issued pursuant to that certificate, or (iv)  
6 if no certificate or deed was issued, the purchaser at the  
7 sale.

8 (f) Other Statutes; Instruments. The provisions of this  
9 Article providing for possession of mortgaged real estate shall  
10 supersede any other inconsistent statutory provisions. In  
11 particular, and without limitation, whenever a receiver is  
12 sought to be appointed in any action in which a foreclosure is  
13 also pending, a receiver shall be appointed only in accordance  
14 with this Article. Except as may be authorized by this Article,  
15 no mortgage or other instrument may modify or supersede the  
16 provisions of this Article.

17 (g) Certain Leases. Leases of the mortgaged real estate  
18 entered into by a mortgagee in possession or a receiver and  
19 approved by the court in a foreclosure shall be binding on all  
20 parties, including the mortgagor after redemption, the  
21 purchaser at a sale pursuant to a judgment of foreclosure and  
22 any person acquiring an interest in the mortgaged real estate  
23 after entry of a judgment of foreclosure in accordance with  
24 Sections 15-1402 and 15-1403.

25 (h) Proceedings Against Certain Occupants.

26 (1) The mortgagee-in-possession of the mortgaged real

1 estate under Section 15-1703, a receiver appointed under  
2 Section 15-1704, a holder of the certificate of sale or  
3 deed, or the purchaser may, at any time during the pendency  
4 of the foreclosure and up to 90 days after the date of the  
5 order confirming the sale, file a supplemental petition for  
6 possession against a person not personally named as a party  
7 to the foreclosure. The supplemental petition for  
8 possession shall name each such occupant against whom  
9 possession is sought and state the facts upon which the  
10 claim for relief is premised.

11 (2) The petitioner shall serve upon each named occupant  
12 the petition, a notice of hearing on the petition, and, if  
13 any, a copy of the certificate of sale or deed. The  
14 proceeding for the termination of such occupant's  
15 possessory interest, including service of the notice of the  
16 hearing and the petition, shall in all respects comport  
17 with the requirements of Article 9 of this Code, except as  
18 otherwise specified in this Section. The hearing shall be  
19 no less than 21 days from the date of service of the  
20 notice.

21 (3) The supplemental petition shall be heard as part of  
22 the foreclosure proceeding and without the payment of  
23 additional filing fees. An order for possession obtained  
24 under this Section shall name each occupant whose interest  
25 has been terminated, shall recite that it is only effective  
26 as to the occupant so named and those holding under them,

1 and shall be enforceable for no more than 120 days after  
2 its entry, except that the 120-day period may be extended  
3 to the extent and in the manner provided in Section 9-117  
4 of Article 9 and except as provided in item (4) of this  
5 subsection (h).

6 (4) In a case of foreclosure where the occupant is  
7 current on his or her rent, or where timely written notice  
8 of to whom and where the rent is to be paid has not been  
9 provided to the occupant, or where the occupant has made  
10 good-faith efforts to make rental payments in order to keep  
11 current, any order of possession must allow the occupant to  
12 retain possession of the property covered in his or her  
13 rental agreement (i) for 120 days following the notice of  
14 the hearing on the supplemental petition that has been  
15 properly served upon the occupant, or (ii) through the  
16 duration of his or her lease, whichever is shorter,  
17 provided that if the duration of his or her lease is less  
18 than 30 days from the date of the order, the order shall  
19 allow the occupant to retain possession for 30 days from  
20 the date of the order. A mortgagee in possession, receiver,  
21 holder of a certificate of sale or deed, or purchaser at  
22 the judicial sale, who asserts that the occupant is not  
23 current in rent, shall file an affidavit to that effect in  
24 the supplemental petition proceeding. If the occupant has  
25 been given timely written notice of to whom and where the  
26 rent is to be paid, this item (4) shall only apply if the

1 occupant continues to pay his or her rent in full during  
2 the 120-day period or has made good-faith efforts to pay  
3 the rent in full during that period. No  
4 mortgagee-in-possession, receiver or holder of a  
5 certificate of sale or deed, or purchaser who fails to file  
6 a supplemental petition under this subsection during the  
7 pendency of a mortgage foreclosure shall file a forcible  
8 entry and detainer action against an occupant of the  
9 mortgaged real estate until 90 days after a notice of  
10 intent to file such action has been properly served upon  
11 the occupant.

12 (5) The court records relating to a supplemental  
13 petition for possession filed under this subsection (h)  
14 against an occupant who is entitled to notice under item  
15 (4) of this subsection (h), or relating to a forcible entry  
16 and detainer action brought against an occupant who would  
17 have lawful possession of the premises but for the  
18 foreclosure of a mortgage on the property, shall be ordered  
19 sealed and shall not be disclosed to any person, other than  
20 a law enforcement officer or any other representative of a  
21 governmental entity, except upon further order of the  
22 court.

23 (Source: P.A. 95-262, eff. 1-1-08; 95-933, eff. 8-26-08; 96-60,  
24 eff. 7-23-09; 96-111, eff. 10-29-09; revised 8-20-09.)

25 Section 630. The Eminent Domain Act is amended by changing

1 Section 15-5-15 as follows:

2 (735 ILCS 30/15-5-15)

3 Sec. 15-5-15. Eminent domain powers in ILCS Chapters 70  
4 through 75. The following provisions of law may include express  
5 grants of the power to acquire property by condemnation or  
6 eminent domain:

7 (70 ILCS 5/8.02 and 5/9); Airport Authorities Act; airport  
8 authorities; for public airport facilities.

9 (70 ILCS 5/8.05 and 5/9); Airport Authorities Act; airport  
10 authorities; for removal of airport hazards.

11 (70 ILCS 5/8.06 and 5/9); Airport Authorities Act; airport  
12 authorities; for reduction of the height of objects or  
13 structures.

14 (70 ILCS 10/4); Interstate Airport Authorities Act; interstate  
15 airport authorities; for general purposes.

16 (70 ILCS 15/3); Kankakee River Valley Area Airport Authority  
17 Act; Kankakee River Valley Area Airport Authority; for  
18 acquisition of land for airports.

19 (70 ILCS 200/2-20); Civic Center Code; civic center  
20 authorities; for grounds, centers, buildings, and parking.

21 (70 ILCS 200/5-35); Civic Center Code; Aledo Civic Center  
22 Authority; for grounds, centers, buildings, and parking.

23 (70 ILCS 200/10-15); Civic Center Code; Aurora Metropolitan  
24 Exposition, Auditorium and Office Building Authority; for

1 grounds, centers, buildings, and parking.

2 (70 ILCS 200/15-40); Civic Center Code; Benton Civic Center  
3 Authority; for grounds, centers, buildings, and parking.

4 (70 ILCS 200/20-15); Civic Center Code; Bloomington Civic  
5 Center Authority; for grounds, centers, buildings, and  
6 parking.

7 (70 ILCS 200/35-35); Civic Center Code; Brownstown Park  
8 District Civic Center Authority; for grounds, centers,  
9 buildings, and parking.

10 (70 ILCS 200/40-35); Civic Center Code; Carbondale Civic Center  
11 Authority; for grounds, centers, buildings, and parking.

12 (70 ILCS 200/55-60); Civic Center Code; Chicago South Civic  
13 Center Authority; for grounds, centers, buildings, and  
14 parking.

15 (70 ILCS 200/60-30); Civic Center Code; Collinsville  
16 Metropolitan Exposition, Auditorium and Office Building  
17 Authority; for grounds, centers, buildings, and parking.

18 (70 ILCS 200/70-35); Civic Center Code; Crystal Lake Civic  
19 Center Authority; for grounds, centers, buildings, and  
20 parking.

21 (70 ILCS 200/75-20); Civic Center Code; Decatur Metropolitan  
22 Exposition, Auditorium and Office Building Authority; for  
23 grounds, centers, buildings, and parking.

24 (70 ILCS 200/80-15); Civic Center Code; DuPage County  
25 Metropolitan Exposition, Auditorium and Office Building  
26 Authority; for grounds, centers, buildings, and parking.

1 (70 ILCS 200/85-35); Civic Center Code; Elgin Metropolitan  
2 Exposition, Auditorium and Office Building Authority; for  
3 grounds, centers, buildings, and parking.

4 (70 ILCS 200/95-25); Civic Center Code; Herrin Metropolitan  
5 Exposition, Auditorium and Office Building Authority; for  
6 grounds, centers, buildings, and parking.

7 (70 ILCS 200/110-35); Civic Center Code; Illinois Valley Civic  
8 Center Authority; for grounds, centers, buildings, and  
9 parking.

10 (70 ILCS 200/115-35); Civic Center Code; Jasper County Civic  
11 Center Authority; for grounds, centers, buildings, and  
12 parking.

13 (70 ILCS 200/120-25); Civic Center Code; Jefferson County  
14 Metropolitan Exposition, Auditorium and Office Building  
15 Authority; for grounds, centers, buildings, and parking.

16 (70 ILCS 200/125-15); Civic Center Code; Jo Daviess County  
17 Civic Center Authority; for grounds, centers, buildings,  
18 and parking.

19 (70 ILCS 200/130-30); Civic Center Code; Katherine Dunham  
20 Metropolitan Exposition, Auditorium and Office Building  
21 Authority; for grounds, centers, buildings, and parking.

22 (70 ILCS 200/145-35); Civic Center Code; Marengo Civic Center  
23 Authority; for grounds, centers, buildings, and parking.

24 (70 ILCS 200/150-35); Civic Center Code; Mason County Civic  
25 Center Authority; for grounds, centers, buildings, and  
26 parking.

1 (70 ILCS 200/155-15); Civic Center Code; Matteson Metropolitan  
2 Civic Center Authority; for grounds, centers, buildings,  
3 and parking.

4 (70 ILCS 200/160-35); Civic Center Code; Maywood Civic Center  
5 Authority; for grounds, centers, buildings, and parking.

6 (70 ILCS 200/165-35); Civic Center Code; Melrose Park  
7 Metropolitan Exposition Auditorium and Office Building  
8 Authority; for grounds, centers, buildings, and parking.

9 (70 ILCS 200/170-20); Civic Center Code; certain Metropolitan  
10 Exposition, Auditorium and Office Building Authorities;  
11 for general purposes.

12 (70 ILCS 200/180-35); Civic Center Code; Normal Civic Center  
13 Authority; for grounds, centers, buildings, and parking.

14 (70 ILCS 200/185-15); Civic Center Code; Oak Park Civic Center  
15 Authority; for grounds, centers, buildings, and parking.

16 (70 ILCS 200/195-35); Civic Center Code; Ottawa Civic Center  
17 Authority; for grounds, centers, buildings, and parking.

18 (70 ILCS 200/200-15); Civic Center Code; Pekin Civic Center  
19 Authority; for grounds, centers, buildings, and parking.

20 (70 ILCS 200/205-15); Civic Center Code; Peoria Civic Center  
21 Authority; for grounds, centers, buildings, and parking.

22 (70 ILCS 200/210-35); Civic Center Code; Pontiac Civic Center  
23 Authority; for grounds, centers, buildings, and parking.

24 (70 ILCS 200/215-15); Civic Center Code; Illinois Quad City  
25 Civic Center Authority; for grounds, centers, buildings,  
26 and parking.

1 (70 ILCS 200/220-30); Civic Center Code; Quincy Metropolitan  
2 Exposition, Auditorium and Office Building Authority; for  
3 grounds, centers, buildings, and parking.

4 (70 ILCS 200/225-35); Civic Center Code; Randolph County Civic  
5 Center Authority; for grounds, centers, buildings, and  
6 parking.

7 (70 ILCS 200/230-35); Civic Center Code; River Forest  
8 Metropolitan Exposition, Auditorium and Office Building  
9 Authority; for grounds, centers, buildings, and parking.

10 (70 ILCS 200/235-40); Civic Center Code; Riverside Civic Center  
11 Authority; for grounds, centers, buildings, and parking.

12 (70 ILCS 200/245-35); Civic Center Code; Salem Civic Center  
13 Authority; for grounds, centers, buildings, and parking.

14 (70 ILCS 200/255-20); Civic Center Code; Springfield  
15 Metropolitan Exposition and Auditorium Authority; for  
16 grounds, centers, and parking.

17 (70 ILCS 200/260-35); Civic Center Code; Sterling Metropolitan  
18 Exposition, Auditorium and Office Building Authority; for  
19 grounds, centers, buildings, and parking.

20 (70 ILCS 200/265-20); Civic Center Code; Vermilion County  
21 Metropolitan Exposition, Auditorium and Office Building  
22 Authority; for grounds, centers, buildings, and parking.

23 (70 ILCS 200/270-35); Civic Center Code; Waukegan Civic Center  
24 Authority; for grounds, centers, buildings, and parking.

25 (70 ILCS 200/275-35); Civic Center Code; West Frankfort Civic  
26 Center Authority; for grounds, centers, buildings, and

1 parking.

2 (70 ILCS 200/280-20); Civic Center Code; Will County  
3 Metropolitan Exposition and Auditorium Authority; for  
4 grounds, centers, and parking.

5 (70 ILCS 210/5); Metropolitan Pier and Exposition Authority  
6 Act; Metropolitan Pier and Exposition Authority; for  
7 general purposes, including quick-take power.

8 (70 ILCS 405/22.04); Soil and Water Conservation Districts Act;  
9 soil and water conservation districts; for general  
10 purposes.

11 (70 ILCS 410/10 and 410/12); Conservation District Act;  
12 conservation districts; for open space, wildland, scenic  
13 roadway, pathway, outdoor recreation, or other  
14 conservation benefits.

15 (70 ILCS 503/25); Chanute-Rantoul National Aviation Center  
16 Redevelopment Commission Act; Chanute-Rantoul National  
17 Aviation Center Redevelopment Commission; for general  
18 purposes.

19 (70 ILCS 507/15); Fort Sheridan Redevelopment Commission Act;  
20 Fort Sheridan Redevelopment Commission; for general  
21 purposes or to carry out comprehensive or redevelopment  
22 plans.

23 (70 ILCS 520/8); Southwestern Illinois Development Authority  
24 Act; Southwestern Illinois Development Authority; for  
25 general purposes, including quick-take power.

26 (70 ILCS 605/4-17 and 605/5-7); Illinois Drainage Code;

1 drainage districts; for general purposes.

2 (70 ILCS 615/5 and 615/6); Chicago Drainage District Act;  
3 corporate authorities; for construction and maintenance of  
4 works.

5 (70 ILCS 705/10); Fire Protection District Act; fire protection  
6 districts; for general purposes.

7 (70 ILCS 750/20); Flood Prevention District Act; flood  
8 prevention districts; for general purposes.

9 (70 ILCS 805/6); Downstate Forest Preserve District Act;  
10 certain forest preserve districts; for general purposes.

11 (70 ILCS 805/18.8); Downstate Forest Preserve District Act;  
12 certain forest preserve districts; for recreational and  
13 cultural facilities.

14 (70 ILCS 810/8); Cook County Forest Preserve District Act;  
15 Forest Preserve District of Cook County; for general  
16 purposes.

17 (70 ILCS 810/38); Cook County Forest Preserve District Act;  
18 Forest Preserve District of Cook County; for recreational  
19 facilities.

20 (70 ILCS 910/15 and 910/16); Hospital District Law; hospital  
21 districts; for hospitals or hospital facilities.

22 (70 ILCS 915/3); Illinois Medical District Act; Illinois  
23 Medical District Commission; for general purposes.

24 (70 ILCS 915/4.5); Illinois Medical District Act; Illinois  
25 Medical District Commission; quick-take power for the  
26 Illinois State Police Forensic Science Laboratory

1 (obsolete).

2 (70 ILCS 920/5); Tuberculosis Sanitarium District Act;  
3 tuberculosis sanitarium districts; for tuberculosis  
4 sanitariums.

5 (70 ILCS 925/20); Mid-Illinois Medical District Act;  
6 Mid-Illinois Medical District; for general purposes.

7 (70 ILCS 930/20); Mid-America Medical District Act;  
8 Mid-America Medical District Commission; for general  
9 purposes.

10 (70 ILCS 1005/7); Mosquito Abatement District Act; mosquito  
11 abatement districts; for general purposes.

12 (70 ILCS 1105/8); Museum District Act; museum districts; for  
13 general purposes.

14 (70 ILCS 1205/7-1); Park District Code; park districts; for  
15 streets and other purposes.

16 (70 ILCS 1205/8-1); Park District Code; park districts; for  
17 parks.

18 (70 ILCS 1205/9-2 and 1205/9-4); Park District Code; park  
19 districts; for airports and landing fields.

20 (70 ILCS 1205/11-2 and 1205/11-3); Park District Code; park  
21 districts; for State land abutting public water and certain  
22 access rights.

23 (70 ILCS 1205/11.1-3); Park District Code; park districts; for  
24 harbors.

25 (70 ILCS 1225/2); Park Commissioners Land Condemnation Act;  
26 park districts; for street widening.

1 (70 ILCS 1230/1 and 1230/1-a); Park Commissioners Water Control  
2 Act; park districts; for parks, boulevards, driveways,  
3 parkways, viaducts, bridges, or tunnels.

4 (70 ILCS 1250/2); Park Commissioners Street Control (1889) Act;  
5 park districts; for boulevards or driveways.

6 (70 ILCS 1290/1); Park District Aquarium and Museum Act;  
7 municipalities or park districts; for aquariums or  
8 museums.

9 (70 ILCS 1305/2); Park District Airport Zoning Act; park  
10 districts; for restriction of the height of structures.

11 (70 ILCS 1310/5); Park District Elevated Highway Act; park  
12 districts; for elevated highways.

13 (70 ILCS 1505/15); Chicago Park District Act; Chicago Park  
14 District; for parks and other purposes.

15 (70 ILCS 1505/25.1); Chicago Park District Act; Chicago Park  
16 District; for parking lots or garages.

17 (70 ILCS 1505/26.3); Chicago Park District Act; Chicago Park  
18 District; for harbors.

19 (70 ILCS 1570/5); Lincoln Park Commissioners Land Condemnation  
20 Act; Lincoln Park Commissioners; for land and interests in  
21 land, including riparian rights.

22 (70 ILCS 1805/8); Havana Regional Port District Act; Havana  
23 Regional Port District; for general purposes.

24 (70 ILCS 1810/7); Illinois International Port District Act;  
25 Illinois International Port District; for general  
26 purposes.

1 (70 ILCS 1815/13); Illinois Valley Regional Port District Act;  
2 Illinois Valley Regional Port District; for general  
3 purposes.

4 (70 ILCS 1820/4); Jackson-Union Counties Regional Port  
5 District Act; Jackson-Union Counties Regional Port  
6 District; for removal of airport hazards or reduction of  
7 the height of objects or structures.

8 (70 ILCS 1820/5); Jackson-Union Counties Regional Port  
9 District Act; Jackson-Union Counties Regional Port  
10 District; for general purposes.

11 (70 ILCS 1825/4.9); Joliet Regional Port District Act; Joliet  
12 Regional Port District; for removal of airport hazards.

13 (70 ILCS 1825/4.10); Joliet Regional Port District Act; Joliet  
14 Regional Port District; for reduction of the height of  
15 objects or structures.

16 (70 ILCS 1825/4.18); Joliet Regional Port District Act; Joliet  
17 Regional Port District; for removal of hazards from ports  
18 and terminals.

19 (70 ILCS 1825/5); Joliet Regional Port District Act; Joliet  
20 Regional Port District; for general purposes.

21 (70 ILCS 1830/7.1); Kaskaskia Regional Port District Act;  
22 Kaskaskia Regional Port District; for removal of hazards  
23 from ports and terminals.

24 (70 ILCS 1830/14); Kaskaskia Regional Port District Act;  
25 Kaskaskia Regional Port District; for general purposes.

26 (70 ILCS 1831/30); Massac-Metropolis Port District Act;

1           Massac-Metropolis Port District; for general purposes.  
2           (70 ILCS 1835/5.10); Mt. Carmel Regional Port District Act; Mt.  
3           Carmel Regional Port District; for removal of airport  
4           hazards.  
5           (70 ILCS 1835/5.11); Mt. Carmel Regional Port District Act; Mt.  
6           Carmel Regional Port District; for reduction of the height  
7           of objects or structures.  
8           (70 ILCS 1835/6); Mt. Carmel Regional Port District Act; Mt.  
9           Carmel Regional Port District; for general purposes.  
10          (70 ILCS 1845/4.9); Seneca Regional Port District Act; Seneca  
11          Regional Port District; for removal of airport hazards.  
12          (70 ILCS 1845/4.10); Seneca Regional Port District Act; Seneca  
13          Regional Port District; for reduction of the height of  
14          objects or structures.  
15          (70 ILCS 1845/5); Seneca Regional Port District Act; Seneca  
16          Regional Port District; for general purposes.  
17          (70 ILCS 1850/4); Shawneetown Regional Port District Act;  
18          Shawneetown Regional Port District; for removal of airport  
19          hazards or reduction of the height of objects or  
20          structures.  
21          (70 ILCS 1850/5); Shawneetown Regional Port District Act;  
22          Shawneetown Regional Port District; for general purposes.  
23          (70 ILCS 1855/4); Southwest Regional Port District Act;  
24          Southwest Regional Port District; for removal of airport  
25          hazards or reduction of the height of objects or  
26          structures.

1 (70 ILCS 1855/5); Southwest Regional Port District Act;  
2 Southwest Regional Port District; for general purposes.

3 (70 ILCS 1860/4); Tri-City Regional Port District Act; Tri-City  
4 Regional Port District; for removal of airport hazards.

5 (70 ILCS 1860/5); Tri-City Regional Port District Act; Tri-City  
6 Regional Port District; for the development of facilities.

7 (70 ILCS 1863/11); Upper Mississippi River International Port  
8 District Act; Upper Mississippi River International Port  
9 District; for general purposes.

10 (70 ILCS 1865/4.9); Waukegan Port District Act; Waukegan Port  
11 District; for removal of airport hazards.

12 (70 ILCS 1865/4.10); Waukegan Port District Act; Waukegan Port  
13 District; for restricting the height of objects or  
14 structures.

15 (70 ILCS 1865/5); Waukegan Port District Act; Waukegan Port  
16 District; for the development of facilities.

17 (70 ILCS 1870/8); White County Port District Act; White County  
18 Port District; for the development of facilities.

19 (70 ILCS 1905/16); Railroad Terminal Authority Act; Railroad  
20 Terminal Authority (Chicago); for general purposes.

21 (70 ILCS 1915/25); Grand Avenue Railroad Relocation Authority  
22 Act; Grand Avenue Railroad Relocation Authority; for  
23 general purposes, including quick-take power (now  
24 obsolete).

25 (70 ILCS 2105/9b); River Conservancy Districts Act; river  
26 conservancy districts; for general purposes.

1 (70 ILCS 2105/10a); River Conservancy Districts Act; river  
2 conservancy districts; for corporate purposes.

3 (70 ILCS 2205/15); Sanitary District Act of 1907; sanitary  
4 districts; for corporate purposes.

5 (70 ILCS 2205/18); Sanitary District Act of 1907; sanitary  
6 districts; for improvements and works.

7 (70 ILCS 2205/19); Sanitary District Act of 1907; sanitary  
8 districts; for access to property.

9 (70 ILCS 2305/8); North Shore Sanitary District Act; North  
10 Shore Sanitary District; for corporate purposes.

11 (70 ILCS 2305/15); North Shore Sanitary District Act; North  
12 Shore Sanitary District; for improvements.

13 (70 ILCS 2405/7.9); Sanitary District Act of 1917; Sanitary  
14 District of Decatur; for carrying out agreements to sell,  
15 convey, or disburse treated wastewater to a private entity.

16 (70 ILCS 2405/8); Sanitary District Act of 1917; sanitary  
17 districts; for corporate purposes.

18 (70 ILCS 2405/15); Sanitary District Act of 1917; sanitary  
19 districts; for improvements.

20 (70 ILCS 2405/16.9 and 2405/16.10); Sanitary District Act of  
21 1917; sanitary districts; for waterworks.

22 (70 ILCS 2405/17.2); Sanitary District Act of 1917; sanitary  
23 districts; for public sewer and water utility treatment  
24 works.

25 (70 ILCS 2405/18); Sanitary District Act of 1917; sanitary  
26 districts; for dams or other structures to regulate water

1 flow.

2 (70 ILCS 2605/8); Metropolitan Water Reclamation District Act;  
3 Metropolitan Water Reclamation District; for corporate  
4 purposes.

5 (70 ILCS 2605/16); Metropolitan Water Reclamation District  
6 Act; Metropolitan Water Reclamation District; quick-take  
7 power for improvements.

8 (70 ILCS 2605/17); Metropolitan Water Reclamation District  
9 Act; Metropolitan Water Reclamation District; for bridges.

10 (70 ILCS 2605/35); Metropolitan Water Reclamation District  
11 Act; Metropolitan Water Reclamation District; for widening  
12 and deepening a navigable stream.

13 (70 ILCS 2805/10); Sanitary District Act of 1936; sanitary  
14 districts; for corporate purposes.

15 (70 ILCS 2805/24); Sanitary District Act of 1936; sanitary  
16 districts; for improvements.

17 (70 ILCS 2805/26i and 2805/26j); Sanitary District Act of 1936;  
18 sanitary districts; for drainage systems.

19 (70 ILCS 2805/27); Sanitary District Act of 1936; sanitary  
20 districts; for dams or other structures to regulate water  
21 flow.

22 (70 ILCS 2805/32k); Sanitary District Act of 1936; sanitary  
23 districts; for water supply.

24 (70 ILCS 2805/32l); Sanitary District Act of 1936; sanitary  
25 districts; for waterworks.

26 (70 ILCS 2905/2-7); Metro-East Sanitary District Act of 1974;

1 Metro-East Sanitary District; for corporate purposes.  
2 (70 ILCS 2905/2-8); Metro-East Sanitary District Act of 1974;  
3 Metro-East Sanitary District; for access to property.  
4 (70 ILCS 3010/10); Sanitary District Revenue Bond Act; sanitary  
5 districts; for sewerage systems.  
6 (70 ILCS 3205/12); Illinois Sports Facilities Authority Act;  
7 Illinois Sports Facilities Authority; quick-take power for  
8 its corporate purposes (obsolete).  
9 (70 ILCS 3405/16); Surface Water Protection District Act;  
10 surface water protection districts; for corporate  
11 purposes.  
12 (70 ILCS 3605/7); Metropolitan Transit Authority Act; Chicago  
13 Transit Authority; for transportation systems.  
14 (70 ILCS 3605/8); Metropolitan Transit Authority Act; Chicago  
15 Transit Authority; for general purposes.  
16 (70 ILCS 3605/10); Metropolitan Transit Authority Act; Chicago  
17 Transit Authority; for general purposes, including  
18 railroad property.  
19 (70 ILCS 3610/3 and 3610/5); Local Mass Transit District Act;  
20 local mass transit districts; for general purposes.  
21 (70 ILCS 3615/2.13); Regional Transportation Authority Act;  
22 Regional Transportation Authority; for general purposes.  
23 (70 ILCS 3705/8 and 3705/12); Public Water District Act; public  
24 water districts; for waterworks.  
25 (70 ILCS 3705/23a); Public Water District Act; public water  
26 districts; for sewerage properties.

1 (70 ILCS 3705/23e); Public Water District Act; public water  
2 districts; for combined waterworks and sewerage systems.

3 (70 ILCS 3715/6); Water Authorities Act; water authorities; for  
4 facilities to ensure adequate water supply.

5 (70 ILCS 3715/27); Water Authorities Act; water authorities;  
6 for access to property.

7 (75 ILCS 5/4-7); Illinois Local Library Act; boards of library  
8 trustees; for library buildings.

9 (75 ILCS 16/30-55.80); Public Library District Act of 1991;  
10 public library districts; for general purposes.

11 (75 ILCS 65/1 and 65/3); Libraries in Parks Act; corporate  
12 authorities of city or park district, or board of park  
13 commissioners; for free public library buildings.

14 (Source: P.A. 94-1055, eff. 1-1-07; 94-1109, eff. 2-23-07;  
15 95-693, eff. 11-5-07; incorporates 96-838, eff. 12-16-09;  
16 revised 1-4-10.)

17 (735 ILCS 30/15-5-45 rep.)

18 Section 632. The Eminent Domain Act is amended by repealing  
19 Section 15-5-45.

20 Section 635. The Illinois Antitrust Act is amended by  
21 changing Section 7.2 as follows:

22 (740 ILCS 10/7.2) (from Ch. 38, par. 60-7.2)

23 Sec. 7.2. (1) Whenever it appears to the Attorney General

1 that any person has engaged in, is engaging in, or is about to  
2 engage in any act or practice prohibited by this Act, or that  
3 any person has assisted or participated in any agreement or  
4 combination of the nature described herein, he may, in his  
5 discretion, conduct an investigation as he deems necessary in  
6 connection with the matter and has the authority prior to the  
7 commencement of any civil or criminal action as provided for in  
8 the Act to subpoena witnesses, and pursuant to a subpoena (i)  
9 compel their attendance for the purpose of examining them under  
10 oath, (ii) require the production of any books, documents,  
11 records, writings or tangible things hereafter referred to as  
12 "documentary material" which the Attorney General deems  
13 relevant or material to his investigation, for inspection,  
14 reproducing or copying under such terms and conditions as  
15 hereafter set forth, (iii) require written answers under oath  
16 to written interrogatories, or (iv) require compliance with a  
17 combination of the foregoing. Any subpoena issued by the  
18 Attorney General shall contain the following information:

19 (a) The statute and section thereof, the alleged  
20 violation of which is under investigation and the general  
21 subject matter of the investigation.

22 (b) The date and place at which time the person is  
23 required to appear or produce documentary material in his  
24 possession, custody or control or submit answers to  
25 interrogatories in the office of the Attorney General  
26 located in Springfield or Chicago. Said date shall not be

1 less than 10 days from date of service of the subpoena.

2 (c) Where documentary material is required to be  
3 produced, the same shall be described by class so as to  
4 clearly indicate the material demanded.

5 The Attorney General is hereby authorized, and may so  
6 elect, to require the production, pursuant to this section, of  
7 documentary material or interrogatory answers prior to the  
8 taking of any testimony of the person subpoenaed. Said  
9 documentary material shall be made available for inspection and  
10 copying during normal business hours at the principal place of  
11 business of the person served, or at such other time and place,  
12 as may be agreed upon by the person served and the Attorney  
13 General. When documentary material is demanded by subpoena,  
14 said subpoena shall not:

15 (i) contain any requirement which would be  
16 unreasonable or improper if contained in a subpoena duces  
17 tecum issued by a court of this State; or

18 (ii) require the disclosure of any documentary  
19 material which would be privileged, or which for any other  
20 reason would not be required by a subpoena duces tecum  
21 issued by a court of this State.

22 (2) ~~(d)~~ The production of documentary material in response  
23 to a subpoena served pursuant to this Section shall be made  
24 under a sworn certificate, in such form as the subpoena  
25 designates, by the person, if a natural person, to whom the  
26 demand is directed or, if not a natural person, by a person or

1 persons having knowledge of the facts and circumstances  
2 relating to such production, to the effect that all of the  
3 documentary material required by the demand and in the  
4 possession, custody, or control of the person to whom the  
5 demand is directed has been produced and made available to the  
6 custodian. Answers to interrogatories shall be accompanied by a  
7 statement under oath attesting to the accuracy of the answers.

8 While in the possession of the Attorney General and under  
9 such reasonable terms and conditions as the Attorney General  
10 shall prescribe: (A) documentary material shall be available  
11 for examination by the person who produced such material or by  
12 any duly authorized representative of such person, (B)  
13 transcript of oral testimony shall be available for examination  
14 by the person who produced such testimony, or his or her  
15 counsel and (C) answers to interrogatories shall be available  
16 for examination by the person who swore to their accuracy.

17 Except as otherwise provided in this Section, no  
18 documentary material, transcripts of oral testimony, or  
19 answers to interrogatories, or copies thereof, in the  
20 possession of the Attorney General shall be available for  
21 examination by any individual other than an authorized employee  
22 of the Attorney General or other law enforcement officials,  
23 federal, State, or local, without the consent of the person who  
24 produced such material, transcripts, or interrogatory answers.

25 For purposes of this Section, all documentary materials,  
26 transcripts of oral testimony, or answers to interrogatories

1 obtained by the Attorney General from other law enforcement  
2 officials shall be treated as if produced pursuant to a  
3 subpoena served pursuant to this Section for purposes of  
4 maintaining the confidentiality of such information.

5 (3) ~~(e)~~ No person shall, with intent to avoid, evade,  
6 prevent, or obstruct compliance in whole or in part by any  
7 person with any duly served subpoena of the Attorney General  
8 under this Act, knowingly remove from any place, conceal,  
9 withhold, destroy, mutilate, alter, or by any other means  
10 falsify any documentary material that is the subject of such  
11 subpoena. A violation of this subsection is a Class A  
12 misdemeanor. The Attorney General, with such assistance as he  
13 may from time to time require of the State's Attorneys in the  
14 several counties, shall investigate suspected violations of  
15 this subsection and shall commence and try all prosecutions  
16 under this subsection.

17 (Source: P.A. 96-751, eff. 1-1-10; revised 11-4-09.)

18 Section 640. The Probate Act of 1975 is amended by changing  
19 Section 13-3.1 as follows:

20 (755 ILCS 5/13-3.1) (from Ch. 110 1/2, par. 13-3.1)

21 Sec. 13-3.1. ~~(a) Compensation of public guardian.~~

22 (a) In counties having a population in excess of 1,000,000  
23 the public guardian shall be paid an annual salary, to be set  
24 by the County Board at a figure not to exceed the salary of the

1 public defender for the county. All expenses connected with the  
2 operation of the office shall be subject to the approval of the  
3 County Board and shall be paid from the county treasury. All  
4 fees collected shall be paid into the county treasury.

5 (b) In counties having a population of 1,000,000 or less  
6 the public guardian shall receive all the fees of his office  
7 and bear the expenses connected with the operation of the  
8 office. A public guardian shall be entitled to reasonable and  
9 appropriate compensation for services related to guardianship  
10 duties but all fees must be reviewed and approved by the court.  
11 A public guardian may petition the court for the payment of  
12 reasonable and appropriate fees. In counties having a  
13 population of 1,000,000 or less, the public guardian shall do  
14 so on not less than a yearly basis, or sooner as approved by  
15 the court. Any fees or expenses charged by a public guardian  
16 shall be documented through billings and maintained by the  
17 guardian and supplied to the court for review. In considering  
18 the reasonableness of any fee petition brought by a public  
19 guardian under this Section, the court shall consider the  
20 following:

21 (1) the powers and duties assigned to the public  
22 guardian by the court;

23 (2) the necessity of any services provided;

24 (3) the time required, the degree of difficulty, and  
25 the experience needed to complete the task;

26 (4) the needs of the ward and the costs of

1 alternatives; and

2 (5) other facts and circumstances material to the best  
3 interests of the ward or his or her estate.

4 (c) When the public guardian is appointed as the temporary  
5 guardian of a disabled adult pursuant to an emergency petition  
6 under circumstances when the court finds that the immediate  
7 establishment of a temporary guardianship is necessary to  
8 protect the disabled adult's health, welfare, or estate, the  
9 public guardian shall be entitled to reasonable and appropriate  
10 fees, as determined by the court, for the period of the  
11 temporary guardianship, including fees directly associated  
12 with establishing the temporary guardianship.

13 (Source: P.A. 96-752, eff. 1-1-10; revised 11-4-09.)

14 Section 645. The Health Care Surrogate Act is amended by  
15 changing Section 15 as follows:

16 (755 ILCS 40/15) (from Ch. 110 1/2, par. 851-15)

17 Sec. 15. Applicability. This Act applies to patients who  
18 lack decisional capacity or who have a qualifying condition.  
19 This Act does not apply to instances in which the patient has  
20 an operative and unrevoked living will under the Illinois  
21 Living Will Act, an operative and unrevoked declaration for  
22 mental health treatment under the Mental Health Treatment  
23 Preferences Declaration Act, or an authorized agent under a  
24 power of attorney for health care under the Illinois Power of

1 Attorney Act and the patient's condition falls within the  
2 coverage of the living will, the declaration for mental health  
3 treatment, or the power of attorney for health care. In those  
4 instances, the living will, declaration for mental health  
5 treatment, or power of attorney for health care, as the case  
6 may be, shall be given effect according to its terms. This Act  
7 does apply in circumstances in which a patient has a qualifying  
8 condition but the patient's condition does not fall within the  
9 coverage of the living will, the declaration for mental health  
10 treatment, or the power of attorney for health care.

11 Each health care facility shall maintain any advance  
12 directives proffered by the patient or other authorized person,  
13 including a do not resuscitate order, a living will, a  
14 declaration for mental health treatment, a declaration of a  
15 potential surrogate or surrogates should the person become  
16 incapacitated or impaired, or a power of attorney for health  
17 care, in the patient's medical records. This Act does apply to  
18 patients without a qualifying condition. If a patient is an  
19 adult with decisional capacity, then the right to refuse  
20 medical treatment or life-sustaining treatment does not  
21 require the presence of a qualifying condition.

22 (Source: P.A. 96-448, eff. 1-1-10; 96-492, eff. 8-14-09;  
23 revised 9-4-09.)

24 Section 650. The Real Estate Timeshare Act of 1999 is  
25 amended by changing Section 10-10 as follows:

1 (765 ILCS 101/10-10)

2 Sec. 10-10. Cancellation of purchase contract. Any  
3 purchase contract entered into by a purchaser of a time share  
4 interest under this Act shall be voidable by the purchaser,  
5 without penalty, within 5 calendar days after the receipt of  
6 the public offering statement or the execution of the purchase  
7 contract, whichever is later. The purchase contract shall  
8 provide notice of the 5-day cancellation period, together with  
9 the name and mailing address to which any notice of  
10 cancellation shall be delivered. Notice of cancellation shall  
11 be deemed timely if the notice is deposited with the United  
12 States Postal Service not later than midnight of the fifth  
13 calendar day.

14 Upon such cancellation, the developer or resale agent shall  
15 refund to the purchaser all payments made by the purchaser,  
16 less the amount of any benefits actually received pursuant to  
17 the purchase contract. The refund shall be made within 20  
18 calendar days after the receipt of the notice of cancellation,  
19 or receipt of funds from the purchaser's cleared check,  
20 whichever occurs later.

21 If a purchaser elects to cancel a purchase contract  
22 pursuant to this Section, the purchaser may do so by hand  
23 delivering a written notice of cancellation or by mailing a  
24 notice of cancellation by certified mail, return receipt  
25 requested, to the developer or resale agent ~~ent~~, as applicable,

1 at an address set forth in the purchase contract.

2 (Source: P.A. 91-585, eff. 1-1-00; revised 11-4-09.)

3 Section 655. The Condominium Property Act is amended by  
4 changing Section 18.4 as follows:

5 (765 ILCS 605/18.4) (from Ch. 30, par. 318.4)

6 Sec. 18.4. Powers and Duties of Board of Managers. The  
7 board of managers shall exercise for the association all  
8 powers, duties and authority vested in the association by law  
9 or the condominium instruments except for such powers, duties  
10 and authority reserved by law to the members of the  
11 association. The powers and duties of the board of managers  
12 shall include, but shall not be limited to, the following:

13 (a) To provide for the operation, care, upkeep,  
14 maintenance, replacement and improvement of the common  
15 elements. Nothing in this subsection (a) shall be deemed to  
16 invalidate any provision in a condominium instrument  
17 placing limits on expenditures for the common elements,  
18 provided, that such limits shall not be applicable to  
19 expenditures for repair, replacement, or restoration of  
20 existing portions of the common elements. The term "repair,  
21 replacement or restoration" means expenditures to  
22 deteriorated or damaged portions of the property related to  
23 the existing decorating, facilities, or structural or  
24 mechanical components, interior or exterior surfaces, or

1 energy systems and equipment with the functional  
2 equivalent of the original portions of such areas.  
3 Replacement of the common elements may result in an  
4 improvement over the original quality of such elements or  
5 facilities; provided that, unless the improvement is  
6 mandated by law or is an emergency as defined in item (iv)  
7 of subparagraph (8) of paragraph (a) of Section 18, if the  
8 improvement results in a proposed expenditure exceeding 5%  
9 of the annual budget, the board of managers, upon written  
10 petition by unit owners with 20% of the votes of the  
11 association delivered to the board within 14 days of the  
12 board action to approve the expenditure, shall call a  
13 meeting of the unit owners within 30 days of the date of  
14 delivery of the petition to consider the expenditure.  
15 Unless a majority of the total votes of the unit owners are  
16 cast at the meeting to reject the expenditure, it is  
17 ratified.

18 (b) To prepare, adopt and distribute the annual budget  
19 for the property.

20 (c) To levy and expend assessments.

21 (d) To collect assessments from unit owners.

22 (e) To provide for the employment and dismissal of the  
23 personnel necessary or advisable for the maintenance and  
24 operation of the common elements.

25 (f) To obtain adequate and appropriate kinds of  
26 insurance.

1           (g) To own, convey, encumber, lease, and otherwise deal  
2 with units conveyed to or purchased by it.

3           (h) To adopt and amend rules and regulations covering  
4 the details of the operation and use of the property, after  
5 a meeting of the unit owners called for the specific  
6 purpose of discussing the proposed rules and regulations.  
7 Notice of the meeting shall contain the full text of the  
8 proposed rules and regulations, and the meeting shall  
9 conform to the requirements of Section 18(b) of this Act,  
10 except that no quorum is required at the meeting of the  
11 unit owners unless the declaration, bylaws or other  
12 condominium instrument expressly provides to the contrary.  
13 However, no rule or regulation may impair any rights  
14 guaranteed by the First Amendment to the Constitution of  
15 the United States or Section 4 of Article I of the Illinois  
16 Constitution including, but not limited to, the free  
17 exercise of religion, nor may any rules or regulations  
18 conflict with the provisions of this Act or the condominium  
19 instruments. No rule or regulation shall prohibit any  
20 reasonable accommodation for religious practices,  
21 including the attachment of religiously mandated objects  
22 to the front-door area of a condominium unit.

23           (i) To keep detailed, accurate records of the receipts  
24 and expenditures affecting the use and operation of the  
25 property.

26           (j) To have access to each unit from time to time as

1           may be necessary for the maintenance, repair or replacement  
2           of any common elements or for making emergency repairs  
3           necessary to prevent damage to the common elements or to  
4           other units.

5           (k) To pay real property taxes, special assessments,  
6           and any other special taxes or charges of the State of  
7           Illinois or of any political subdivision thereof, or other  
8           lawful taxing or assessing body, which are authorized by  
9           law to be assessed and levied upon the real property of the  
10          condominium.

11          (l) To impose charges for late payment of a unit  
12          owner's proportionate share of the common expenses, or any  
13          other expenses lawfully agreed upon, and after notice and  
14          an opportunity to be heard, to levy reasonable fines for  
15          violation of the declaration, by-laws, and rules and  
16          regulations of the association.

17          (m) Unless the condominium instruments expressly  
18          provide to the contrary, by a majority vote of the entire  
19          board of managers, to assign the right of the association  
20          to future income from common expenses or other sources, and  
21          to mortgage or pledge substantially all of the remaining  
22          assets of the association.

23          (n) To record the dedication of a portion of the common  
24          elements to a public body for use as, or in connection  
25          with, a street or utility where authorized by the unit  
26          owners under the provisions of Section 14.2.

1           (o) To record the granting of an easement for the  
2           laying of cable television cable where authorized by the  
3           unit owners under the provisions of Section 14.3; to  
4           obtain, if available and determined by the board to be in  
5           the best interests of the association, cable television  
6           service for all of the units of the condominium on a bulk  
7           identical service and equal cost per unit basis; and to  
8           assess and recover the expense as a common expense and, if  
9           so determined by the board, to assess each and every unit  
10          on the same equal cost per unit basis.

11          (p) To seek relief on behalf of all unit owners when  
12          authorized pursuant to subsection (c) of Section 10 from or  
13          in connection with the assessment or levying of real  
14          property taxes, special assessments, and any other special  
15          taxes or charges ~~changes~~ of the State of Illinois or of any  
16          political subdivision thereof or of any lawful taxing or  
17          assessing body.

18          (q) To reasonably accommodate the needs of a  
19          handicapped unit owner as required by the federal Civil  
20          Rights Act of 1968, the Human Rights Act and any applicable  
21          local ordinances in the exercise of its powers with respect  
22          to the use of common elements or approval of modifications  
23          in an individual unit.

24          (r) To accept service of a notice of claim for purposes  
25          of the Mechanics Lien Act on behalf of each respective  
26          member of the Unit Owners' Association with respect to

1 improvements performed pursuant to any contract entered  
2 into by the Board of Managers or any contract entered into  
3 prior to the recording of the condominium declaration  
4 pursuant to this Act, for a property containing more than 8  
5 units, and to distribute the notice to the unit owners  
6 within 7 days of the acceptance of the service by the Board  
7 of Managers. The service shall be effective as if each  
8 individual unit owner had been served individually with  
9 notice.

10 In the performance of their duties, the officers and  
11 members of the board, whether appointed by the developer or  
12 elected by the unit owners, shall exercise the care required of  
13 a fiduciary of the unit owners.

14 The collection of assessments from unit owners by an  
15 association, board of managers or their duly authorized agents  
16 shall not be considered acts constituting a collection agency  
17 for purposes of the Collection Agency Act.

18 The provisions of this Section are applicable to all  
19 condominium instruments recorded under this Act. Any portion of  
20 a condominium instrument which contains provisions contrary to  
21 these provisions shall be void as against public policy and  
22 ineffective. Any such instrument that fails to contain the  
23 provisions required by this Section shall be deemed to  
24 incorporate such provisions by operation of law.

25 (Source: P.A. 94-384, eff. 1-1-06; 94-729, eff. 1-1-07; revised  
26 11-4-09.)

1 Section 660. The Uniform Disposition of Unclaimed Property  
2 Act is amended by changing Section 18 as follows:

3 (765 ILCS 1025/18) (from Ch. 141, par. 118)

4 Sec. 18. Deposit of funds received under the Act.

5 (a) The State Treasurer shall retain all funds received  
6 under this Act, including the proceeds from the sale of  
7 abandoned property under Section 17, in a trust fund. The State  
8 Treasurer may deposit any amount in the Trust Fund into the  
9 State Pensions Fund during the fiscal year at his or her  
10 discretion; however, he or she shall, on April 15 and October  
11 15 of each year, deposit any amount in the trust fund exceeding  
12 \$2,500,000 into the State Pensions Fund. All amounts in excess  
13 of \$2,500,000 that are deposited into the State Pensions  
14 ~~Pension~~ Fund from the unclaimed Property Trust Fund shall be  
15 apportioned to the designated retirement systems as provided in  
16 subsection (c-6) of Section 8.12 of the State ~~state~~ Finance Act  
17 to reduce their actuarial reserve deficiencies. He or she shall  
18 make prompt payment of claims he or she duly allows as provided  
19 for in this Act for the trust fund. Before making the deposit  
20 the State Treasurer shall record the name and last known  
21 address of each person appearing from the holders' reports to  
22 be entitled to the abandoned property. The record shall be  
23 available for public inspection during reasonable business  
24 hours.

1 (b) Before making any deposit to the credit of the State  
2 Pensions Fund, the State Treasurer may deduct: (1) any costs in  
3 connection with sale of abandoned property, (2) any costs of  
4 mailing and publication in connection with any abandoned  
5 property, and (3) any costs in connection with the maintenance  
6 of records or disposition of claims made pursuant to this Act.  
7 The State Treasurer shall semiannually file an itemized report  
8 of all such expenses with the Legislative Audit Commission.

9 (Source: P.A. 95-950, eff. 8-29-08; revised 11-4-09.)

10 Section 665. The General Not For Profit Corporation Act of  
11 1986 is amended by changing Sections 104.05, 107.50, and 112.50  
12 as follows:

13 (805 ILCS 105/104.05) (from Ch. 32, par. 104.05)

14 Sec. 104.05. Corporate name of domestic or foreign  
15 corporation.

16 (a) The corporate name of a domestic corporation or of a  
17 foreign corporation organized, existing or subject to the  
18 provisions of this Act:

19 (1) May contain, separate and apart from any other word  
20 or abbreviation in such name, the word "corporation,"  
21 "company," "incorporated," or "limited," or an  
22 abbreviation of one of such words;

23 (2) Must end with the letters "NFP" if the corporate  
24 name contains any word or phrase which indicates or implies

1           that the corporation is organized for any purpose other  
2           than a purpose for which corporations may be organized  
3           under this Act or a purpose other than a purpose set forth  
4           in the corporation's articles of incorporation;

5           (3) Shall be distinguishable upon the records in the  
6           office of the Secretary of State from the name or assumed  
7           name of any domestic corporation or limited liability  
8           company organized under the Limited Liability Company Act,  
9           whether for profit or not for profit, existing under any  
10          Act of this State or the name or assumed name of any  
11          foreign corporation or foreign limited liability company  
12          registered under the Limited Liability Company Act,  
13          whether for profit or not for profit, authorized to  
14          transact business or conduct affairs in this State, or a  
15          name the exclusive right to which is, at the time, reserved  
16          or registered in the manner provided in this Act or Section  
17          1-15 of the Limited Liability Company Act, except that,  
18          subject to the discretion of the Secretary of State, a  
19          foreign corporation that has a name prohibited by this  
20          paragraph may be granted authority to conduct its affairs  
21          in this State, if the foreign corporation:

22                 (i) Elects to adopt an assumed corporation name or  
23                 names in accordance with Section 104.15 of this Act;  
24                 and

25                 (ii) Agrees in its application for authority to  
26                 conduct affairs in this State only under such assumed

1 corporate name or names;

2 (4) Shall not contain a word or phrase, or an  
3 abbreviation or derivation thereof, the use of which is  
4 prohibited or restricted by any other statute of this State  
5 unless such restriction has been complied with;

6 (5) Shall consist of letters of the English alphabet,  
7 Arabic or Roman numerals, or symbols capable of being  
8 readily reproduced by the office of the Secretary of State;

9 (6) Shall not contain the words "regular democrat,"  
10 "regular democratic," "regular republican," "democrat,"  
11 "democratic," or "republican," nor the name of any other  
12 established political party, unless consent to usage of  
13 such words or name is given to the corporation by the State  
14 central committee of such established political party;  
15 notwithstanding any other provisions of this Act, any  
16 corporation, whose name at the time this amendatory Act  
17 takes effect contains any of the words listed in this  
18 paragraph shall certify to the Secretary of State no later  
19 than January 1, 1989, that consent has been given by the  
20 State central committee; consent given to a corporation by  
21 the State central committee to use the above listed words  
22 may be revoked upon notification to the corporation and the  
23 Secretary of State;

24 (7) Shall be the name under which the corporation shall  
25 conduct affairs in this State unless the corporation shall  
26 also elect to adopt an assumed corporate name or names as

1 provided in this Act; provided, however, that the  
2 corporation may use any divisional designation or trade  
3 name without complying with the requirements of this Act,  
4 provided the corporation also clearly discloses its  
5 corporate name; and

6 (8) Shall not, as to any corporation organized or  
7 amending its corporate name on or after April 3, 2009 (the  
8 effective date of Public Act 96-7) ~~this amendatory Act of~~  
9 ~~the 96th General Assembly~~, without the express written  
10 consent of the United States Olympic Committee, contain the  
11 words: (i) "Olympic"; (ii) "Olympiad"; (iii) "Paralympic";  
12 (iv) "Paralympiad"; (v) "Citius Altius Fortius"; (vi)  
13 "CHICOG"; or (vii) "Chicago 2016".

14 (b) The Secretary of State shall determine whether a name  
15 is "distinguishable" from another name for purposes of this  
16 Act. Without excluding other names which may not constitute  
17 distinguishable names in this State, a name is not considered  
18 distinguishable, for purposes of this Act, solely because it  
19 contains one or more of the following:

20 (1) The word "corporation," "company," "incorporated,"  
21 or "limited" or an abbreviation of one of such words;

22 (2) Articles, conjunctions, contractions,  
23 abbreviations, different tenses or number of the same word.

24 (c) Nothing in this Section or Sections 104.15 or 104.20 of  
25 this Act shall:

26 (1) Require any domestic corporation existing or any

1 foreign corporation having authority to conduct affairs on  
2 the effective date of this Act, to modify or otherwise  
3 change its corporate name or assumed corporate name, if  
4 any; or

5 (2) Abrogate or limit the common law or statutory law  
6 of unfair competition or unfair trade practices, nor  
7 derogate from the common law or principles of equity or the  
8 statutes of this State or of the United States with respect  
9 to the right to acquire and protect copyrights, trade  
10 names, trade marks, service names, service marks, or any  
11 other right to the exclusive use of name or symbols.

12 (Source: P.A. 96-7, eff. 4-3-09; 96-66, eff. 1-1-10; 96-328,  
13 eff. 8-11-09; revised 9-25-09.)

14 (805 ILCS 105/107.50) (from Ch. 32, par. 107.50)

15 Sec. 107.50. Proxies. A member entitled to vote may vote in  
16 person or, unless the articles of incorporation or bylaws  
17 explicitly prohibit, by proxy executed in writing by the member  
18 or by that member's duly authorized attorney-in-fact. No proxy  
19 shall be valid after 11 months from the date of its execution,  
20 unless otherwise provided in the proxy. Unless otherwise  
21 prohibited by the articles of incorporation or bylaws, the  
22 election of directors, officers, or representatives by members  
23 may be conducted by mail, e-mail ~~email~~, or any other electronic  
24 means as set forth in subsection (a) of Section 107.10.

25 (Source: P.A. 96-648, eff. 10-1-09; 96-649, eff. 1-1-10;

1 revised 9-25-09.)

2 (805 ILCS 105/112.50) (from Ch. 32, par. 112.50)

3 Sec. 112.50. Grounds for judicial dissolution. A Circuit  
4 Court may dissolve a corporation:

5 (a) In an action by the Attorney General, if it is  
6 established that:

7 (1) the corporation filed its articles of  
8 incorporation through fraud; ~~or~~

9 (2) the corporation has continued to exceed or abuse  
10 the authority conferred upon it by law, or has continued to  
11 violate the law, after notice of the same has been given to  
12 such corporation, either personally or by registered mail;  
13 ~~or~~

14 (3) any interrogatory propounded by the Secretary of  
15 State to the corporation, its officers or directors, as  
16 provided in this Act, has been answered falsely or has not  
17 been answered fully within 30 days after the mailing of  
18 such interrogatories by the Secretary of State or within  
19 such extension of time as shall have been authorized by the  
20 Secretary of State;

21 (4) the corporation has solicited money and failed to  
22 use the money for the purpose which it was solicited, or  
23 has fraudulently solicited money or fraudulently used the  
24 money solicited; or

25 (5) the corporation has substantially and willfully

1 violated the provisions of the Consumer Fraud and Deceptive  
2 Business Practices Act.

3 (b) In an action by a member entitled to vote, or a  
4 director, if it is established that:

5 (1) the directors are deadlocked, whether because of  
6 even division in the number thereof or because of greater  
7 than majority voting requirements in the articles of  
8 incorporation or the bylaws, in the management of the  
9 corporate affairs; the members are unable to break the  
10 deadlock; and irreparable injury to the corporation is  
11 thereby caused or threatened;

12 (2) the directors or those in control of the  
13 corporation have acted, are acting, or will act in a manner  
14 that is illegal, oppressive or fraudulent;

15 (3) the corporate assets are being misapplied or  
16 wasted; or

17 (4) the corporation is unable to carry out its  
18 purposes.

19 (c) In an action by a creditor, if it is established that:

20 (1) the creditor's claim has been reduced to judgment,  
21 the judgment has been returned unsatisfied, and the  
22 corporation is insolvent; or

23 (2) the corporation has admitted in writing that the  
24 creditor's claim is due and owing, and the corporation is  
25 insolvent.

26 (d) In an action by the corporation to dissolve under court

1 supervision, if it is established that the corporation is  
2 unable to carry out its purposes.

3 (Source: P.A. 96-66, eff. 1-1-10; revised 11-4-09.)

4 Section 670. The Limited Liability Company Act is amended  
5 by changing Section 1-10 and by setting forth and renumbering  
6 multiple versions of Section 1-26 as follows:

7 (805 ILCS 180/1-10)

8 Sec. 1-10. Limited liability company name.

9 (a) The name of each limited liability company as set forth  
10 in its articles of organization:

11 (1) shall contain the terms "limited liability  
12 company", "L.L.C.", or "LLC", or, if organized as a  
13 low-profit limited liability company under Section 1-26 of  
14 this Act, shall contain the term "L3C";

15 (2) may not contain a word or phrase, or an  
16 abbreviation or derivation thereof, the use of which is  
17 prohibited or restricted by any other statute of this State  
18 unless the restriction has been complied with;

19 (3) shall consist of letters of the English alphabet,  
20 Arabic or Roman numerals, or symbols capable of being  
21 readily reproduced by the Office of the Secretary of State;

22 (4) shall not contain any of the following terms:  
23 "Corporation," "Corp.," "Incorporated," "Inc.," "Ltd.,"  
24 "Co.," "Limited Partnership" or "L.P.";

1           (5) shall be the name under which the limited liability  
2           company transacts business in this State unless the limited  
3           liability company also elects to adopt an assumed name or  
4           names as provided in this Act; provided, however, that the  
5           limited liability company may use any divisional  
6           designation or trade name without complying with the  
7           requirements of this Act, provided the limited liability  
8           company also clearly discloses its name;

9           (6) shall not contain any word or phrase that indicates  
10          or implies that the limited liability company is authorized  
11          or empowered to be in the business of a corporate fiduciary  
12          unless otherwise permitted by the Commissioner of the  
13          Office of Banks and Real Estate under Section 1-9 of the  
14          Corporate Fiduciary Act. The word "trust", "trustee", or  
15          "fiduciary" may be used by a limited liability company only  
16          if it has first complied with Section 1-9 of the Corporate  
17          Fiduciary Act;

18          (7) shall contain the word "trust", if it is a limited  
19          liability company organized for the purpose of accepting  
20          and executing trusts; and

21          (8) shall not, as to any limited liability company  
22          organized or amending its company name on or after April 3,  
23          2009 (the effective date of Public Act 96-7) ~~this~~  
24          ~~amendatory Act of the 96th General Assembly~~, without the  
25          express written consent of the United States Olympic  
26          Committee, contain the words: (i) "Olympic"; (ii)

1 "Olympiad"; (iii) "Paralympic"; (iv) "Paralympiad"; (v)  
2 "Citius Altius Fortius"; (vi) "CHICOG"; or (vii) "Chicago  
3 2016".

4 (b) Nothing in this Section or Section 1-20 shall abrogate  
5 or limit the common law or statutory law of unfair competition  
6 or unfair trade practices, nor derogate from the common law or  
7 principles of equity or the statutes of this State or of the  
8 United States of America with respect to the right to acquire  
9 and protect copyrights, trade names, trademarks, service  
10 marks, service names, or any other right to the exclusive use  
11 of names or symbols.

12 (c) (Blank).

13 (d) The name shall be distinguishable upon the records in  
14 the Office of the Secretary of State from all of the following:

15 (1) Any limited liability company that has articles of  
16 organization filed with the Secretary of State under  
17 Section 5-5.

18 (2) Any foreign limited liability company admitted to  
19 transact business in this State.

20 (3) Any name for which an exclusive right has been  
21 reserved in the Office of the Secretary of State under  
22 Section 1-15.

23 (4) Any assumed name that is registered with the  
24 Secretary of State under Section 1-20.

25 (5) Any corporate name or assumed corporate name of a  
26 domestic or foreign corporation subject to the provisions

1 of Section 4.05 of the Business Corporation Act of 1983 or  
2 Section 104.05 of the General Not For Profit Corporation  
3 Act of 1986.

4 (e) The provisions of subsection (d) of this Section shall  
5 not apply if the organizer files with the Secretary of State a  
6 certified copy of a final decree of a court of competent  
7 jurisdiction establishing the prior right of the applicant to  
8 the use of that name in this State.

9 (f) The Secretary of State shall determine whether a name  
10 is "distinguishable" from another name for the purposes of this  
11 Act. Without excluding other names that may not constitute  
12 distinguishable names in this State, a name is not considered  
13 distinguishable, for purposes of this Act, solely because it  
14 contains one or more of the following:

15 (1) The word "limited", "liability" or "company" or an  
16 abbreviation of one of those words.

17 (2) Articles, conjunctions, contractions,  
18 abbreviations, or different tenses or number of the same  
19 word.

20 (Source: P.A. 96-7, eff. 4-3-09; 96-126, eff. 1-1-10; revised  
21 8-20-09.)

22 (805 ILCS 180/1-26)

23 Sec. 1-26. Low-profit limited liability company.

24 (a) A low-profit limited liability company shall at all  
25 times significantly further the accomplishment of one or more

1 charitable or educational purposes within the meaning of  
2 Section 170(c)(2)(B) of the Internal Revenue Code of 1986, 26  
3 U.S.C. 170(c)(2)(B), or its successor, and would not have been  
4 formed but for the relationship to the accomplishment of such  
5 charitable or educational purposes.

6 (b) A limited liability company which intends to qualify as  
7 a low-profit limited liability company pursuant to the  
8 provisions of this Section shall so indicate in its articles of  
9 organization, and further state that:

10 (1) no significant purpose of the company is the  
11 production of income or the appreciation of property;  
12 however, the fact that a person produces significant income  
13 or capital appreciation shall not, in the absence of other  
14 factors, be conclusive evidence of a significant purpose  
15 involving the production of income or the appreciation of  
16 property; and

17 (2) no purpose of the company is to accomplish one or  
18 more political or legislative purposes within the meaning  
19 of Section 170(c)(2)(D) of the Internal Revenue Code of  
20 1986, 26 U.S.C. 170(c)(2)(D), or its successor.

21 (c) A company that no longer satisfies the requirements of  
22 this Section 1-26 continues to exist as a limited liability  
23 company and shall promptly amend its articles of organization  
24 so that its name and purpose no longer identify it as a  
25 low-profit limited liability company or L3C.

26 (d) Any company operating or holding itself out as a

1 low-profit limited liability company in Illinois, any company  
2 formed as a low-profit limited liability company under this  
3 Act, and any chief operating officer, director, or manager of  
4 any such company is a "trustee" as defined in Section 3 of the  
5 Charitable Trust Act.

6 (e) Nothing in this Section 1-26 prevents a limited  
7 liability company that is not organized under it from electing  
8 a charitable or educational purpose in whole or in part for  
9 doing business under this Act.

10 (Source: P.A. 96-126, eff. 1-1-10.)

11 (805 ILCS 180/1-28)

12 Sec. 1-28 ~~1-26~~. Certificate of Registration; Department of  
13 Financial and Professional Regulation. This Section applies  
14 only to a limited liability company that intends to provide, or  
15 does provide, professional services that require the  
16 individuals engaged in the profession to be licensed by the  
17 Department of Financial and Professional Regulation. A limited  
18 liability company covered by this Section shall not open,  
19 operate, or maintain an establishment for any of the purposes  
20 for which a limited liability company may be organized under  
21 this Act without obtaining a certificate of registration from  
22 the Department.

23 Application for such registration shall be made in writing  
24 and shall contain the name and address of the limited liability  
25 company and such other information as may be required by the

1 Department. Upon receipt of such application, the Department  
2 shall make an investigation of the limited liability company.  
3 If the Department finds that the organizers, managers, and  
4 members are each licensed pursuant to the laws of Illinois to  
5 engage in the particular profession or related professions  
6 involved (except that an initial organizer may be a licensed  
7 attorney) and if no disciplinary action is pending before the  
8 Department against any of them and if it appears that the  
9 limited liability company will be conducted in compliance with  
10 the law and the rules and regulations of the Department, the  
11 Department shall issue, upon payment of a registration fee of  
12 \$50, a certificate of registration.

13       Upon written application of the holder, the Department  
14 shall renew the certificate if it finds that the limited  
15 liability company has complied with its regulations and the  
16 provisions of this Act and the applicable licensing Act. This  
17 fee for the renewal of a certificate of registration shall be  
18 calculated at the rate of \$40 per year. The certificate of  
19 registration shall be conspicuously posted upon the premises to  
20 which it is applicable, and the limited liability company shall  
21 have only those offices which are designated by street address  
22 in the articles of organization, or as changed by amendment of  
23 such articles. A certificate of registration shall not be  
24 assignable.

25 (Source: P.A. 96-679, eff. 8-25-09; revised 10-16-09.)

1 Section 680. The Motor Vehicle Franchise Act is amended by  
2 changing Section 9 as follows:

3 (815 ILCS 710/9) (from Ch. 121 1/2, par. 759)

4 Sec. 9. Renewals; transfers.

5 (a) Anything to the contrary notwithstanding, it shall be  
6 unlawful for the manufacturer, wholesaler, distributor or  
7 franchiser without good cause, to fail to renew a franchise on  
8 terms then equally available to all its motor vehicle dealers,  
9 or to terminate a franchise or restrict the transfer of a  
10 franchise until the franchisee shall receive fair and  
11 reasonable compensation for the value of the business and  
12 business premises.

13 (b) For the purposes of this Section 9, the term  
14 "reasonable compensation" includes, but is not limited to all  
15 of the following items:

16 (1) An amount equal to the current, fair rental value  
17 of the portion of the motor vehicle dealer's established  
18 place of business that is used for motor vehicle sales and  
19 service with the manufacturer, wholesaler, distributor or  
20 franchiser for a period of one year beginning on the date  
21 of the nonrenewal, termination, or restriction on the  
22 transfer of the franchise.

23 (2) The franchisee's cost of each new undamaged and  
24 unsold current and prior year motor vehicles that were  
25 acquired within 12 months of termination and have 500 or

1 fewer miles recorded on the odometer that are in the  
2 franchisee's inventory at the time of nonrenewal,  
3 termination, or restriction and that were purchased or  
4 acquired from the manufacturer or from another dealer of  
5 the same line make in the ordinary course of business.

6 (3) The franchisee's cost of each new, unused,  
7 undamaged, and unsold part or accessory that is in the  
8 current parts catalogue or is identical to a part or  
9 accessory in the current parts catalogue except for the  
10 number assigned to the part or accessory due to a change in  
11 the number after the purchase of the part or accessory and  
12 that is still in the original, resalable merchandising  
13 package and in an unbroken lot, except that, in the case of  
14 sheet metal, a comparable substitute for the original  
15 package may be used if the part or accessory was purchased  
16 (i) directly from the manufacturer, distributor,  
17 wholesaler, distributor branch or division, or officer,  
18 agent, or other representative thereof or (ii) from an  
19 outgoing authorized dealer as a part of the dealer's  
20 initial inventory.

21 (4) The fair market value of each undamaged sign owned  
22 by the dealer that bears a trademark or trade name used or  
23 claimed by the manufacturer, distributor, wholesaler,  
24 distributor branch or division, or officer, agent, or other  
25 representative thereof that was purchased as a requirement  
26 of the manufacturer, distributor, wholesaler, distributor

1 branch or division, or officer, agent, or other  
2 representative thereof.

3 (5) The fair market value of all special tools, data  
4 processing equipment, and automotive service equipment  
5 owned by the dealer that (i) were recommended in writing  
6 and designated as special tools and equipment, (ii) were  
7 purchased at the request of the manufacturer, distributor,  
8 wholesaler, distributor branch or division, or officer,  
9 agent, or other representative thereof, and (iii) are in  
10 usable and good condition except for reasonable wear and  
11 tear.

12 (6) The cost of transporting, handling, packing,  
13 storing, and loading any property that is subject to  
14 repurchase under this Section.

15 This subsection (b) shall not apply to a non-renewal or  
16 termination that is implemented as a result of a sale of the  
17 assets or stock of the franchise.

18 (c) The payment under item (b)(1) is due in 12 equal,  
19 monthly installments, beginning 30 days after the franchise is  
20 terminated or nonrenewed. The payments under items (b)(2)  
21 through (b)(6) are due no later than 90 days after the  
22 franchise is terminated or nonrenewed. As a condition of  
23 payment under items (b)(2) through (b)(6), the motor vehicle  
24 dealer must comply with all reasonable requirements provided by  
25 the manufacturer, distributor, or wholesaler regarding the  
26 return of inventory.

1           If a manufacturer, distributor, or wholesaler does not  
2 reimburse the motor vehicle dealer for the amounts required  
3 under items (b) (2) through (b) (6) by the deadlines under this  
4 subsection (c), and the Board or, if agreed to under Section  
5 12, the arbitrator, finds the manufacturer, distributor, or  
6 wholesaler in violation of this subsection, then the  
7 manufacturer, distributor, or wholesaler shall, in addition to  
8 any other amounts due, pay the motor vehicle dealer:

9           (1) interest on the amount due at a rate reasonable in  
10 light of commercial practices, determined by the Board or  
11 arbitrator; and

12           (2) reasonable attorney's fees and costs.

13           ~~(3) reasonable attorney's fees and costs.~~

14           (Source: P.A. 96-11, eff. 5-22-09; revised 11-4-09.)

15           Section 685. The Beer Industry Fair Dealing Act is amended  
16 by changing Section 5 as follows:

17           (815 ILCS 720/5) (from Ch. 43, par. 305)

18           Sec. 5. Prohibited conduct. No brewer shall:

19           (1) Induce or coerce, or attempt to induce or coerce,  
20 any wholesaler to engage in any illegal act or course of  
21 conduct either by threatening to amend, modify, cancel,  
22 terminate, or refuse to renew any agreement existing  
23 between the brewer and the wholesaler, or by any other  
24 means.

1           (2) Require a wholesaler to assent to any unreasonable  
2 requirement, condition, understanding or term or an  
3 agreement prohibiting a wholesaler from selling the  
4 product of any other brewer or brewers.

5           (3) Directly or indirectly fix or maintain the price at  
6 which a wholesaler may resell beer.

7           (4) Fail to provide to each wholesaler of its brands a  
8 written contract which embodies the brewer's agreement  
9 with its wholesalers and conforms to the provisions of this  
10 Act.

11           (5) Require any wholesaler to accept delivery of any  
12 beer, signs, advertising materials, or any other item or  
13 commodity which has not been ordered by the wholesaler, or  
14 require any wholesaler to accept a common carrier for  
15 delivery of beer into this State unless the wholesaler  
16 consents to the common carrier. In the event a brewer  
17 adopts a uniform practice of delivering beer into this  
18 State to the premises of all licensed wholesalers, the  
19 brewer may select the common carrier in this State.

20           (6) Require a wholesaler without the wholesaler's  
21 approval to participate in an arrangement for the payment  
22 or crediting by an electronic fund transfer transaction for  
23 any item or commodity other than beer or to access a  
24 wholesaler's account for any item or commodity other than  
25 beer.

26           (7) Require a wholesaler to assent to any requirement

1 prohibiting the wholesaler from disposing, after notice to  
2 the brewer, of a product which has been deemed salvageable  
3 by a local or State health authority. Nothing herein shall  
4 prohibit the brewer from having the first right to purchase  
5 the salvageable product from the wholesaler at a price not  
6 to exceed the original cost of the product or to  
7 subsequently repurchase the product from the insurance  
8 company or salvage company.

9 (8) Refuse to approve or require a wholesaler to  
10 terminate a manager or successor manager without good  
11 cause. A brewer has good cause only if the person  
12 designated as manager or successor manager by the  
13 wholesaler fails to meet reasonable standards and  
14 qualifications.

15 (9) Present an agreement to a wholesaler that attempts  
16 to waive compliance with any provision of this Act or that  
17 requires the wholesaler to waive compliance with any  
18 provision of this Act. A wholesaler entering into an  
19 agreement containing provisions in conflict with this Act  
20 shall not be deemed to waive compliance with any provision  
21 of this Act. No brewer shall induce or coerce, or attempt  
22 to induce or coerce, any wholesaler to assent to any  
23 agreement, amendment, renewal, or replacement agreement  
24 that does not comply with this Act and the laws of this  
25 State.

26 (10) Terminate or attempt to terminate an agreement on

1 the basis that the wholesaler refuses to purchase signs or  
2 advertising materials or any quantity or types thereof.

3 (11) Discriminate against a wholesaler who has entered  
4 into a contract relative to signs or advertising materials  
5 by not making signs or advertising materials or any  
6 quantity or types thereof available to the wholesaler when  
7 the brewer makes available such signs or advertising  
8 materials to other similarly situated wholesalers in this  
9 State.

10 (12) Present an agreement requiring the wholesaler to  
11 arbitrate all disputes without offering the wholesaler in  
12 writing the opportunity to reject arbitration and elect to  
13 resolve all disputes by maintaining a civil suit in  
14 accordance with this Act.

15 (13) Fail to assign brand extensions to a wholesaler  
16 who has been granted the territory to the brand from which  
17 the brand extension resulted and agrees to accept the brand  
18 extension; however, this requirement does not apply if the  
19 wholesaler is not in compliance with the agreement at the  
20 time the brewer offers the brand extension to the  
21 wholesaler.

22 (14) Terminate, cancel, or non-renew or attempt to  
23 terminate, cancel, or non-renew an agreement on the basis  
24 that the wholesaler fails to agree or consent to an  
25 amendment at the time such amendment is presented to the  
26 wholesaler. A brewer may amend an agreement including

1 operating standards at any time without the wholesaler's  
2 consent if such amendment does not materially,  
3 substantially, and adversely affect the wholesaler and  
4 such amendment is effective as to all wholesalers of the  
5 brewer in the State.

6 (15) Coerce or attempt to coerce a transferring  
7 wholesaler to sign a renewal agreement, replacement  
8 agreement, or an amendment to an agreement by threatening  
9 to refuse to approve or delay issuing an approval for the  
10 sale or transfer of a wholesaler's business.

11 The agreement must provide in substance that the agreement  
12 shall be governed by all applicable provisions of State law,  
13 and that such State law is incorporated into the agreement,  
14 shall be deemed to be a part thereof, and shall supersede  
15 ~~supersede~~ any provision of the agreement in conflict with such  
16 State law. If an agreement presented to the wholesaler does not  
17 provide this provision in substance the brewer must furnish an  
18 executed Illinois addendum to the wholesaler stating that the  
19 agreement shall be governed by all applicable provisions of  
20 State law, and that such State law is incorporated into the  
21 agreement, shall be deemed to be a part hereof, shall supersede  
22 ~~supersede~~ any provision of the agreement in conflict with such  
23 State law, and shall govern and control.

24 No brewer who, pursuant to an agreement with a wholesaler  
25 which does not violate antitrust laws, has designated a sales  
26 territory for which the wholesaler is exclusively responsible

1 or in which the wholesaler is required to concentrate its  
2 efforts, shall enter into an agreement with any other  
3 wholesaler for the purpose of establishing an additional  
4 wholesaler for the brewer's brand, brands, or brand extension  
5 in the territory.

6 No wholesaler who, pursuant to an agreement is granted a  
7 sales territory for which it shall be exclusively responsible  
8 or in which it is required to concentrate its efforts, shall  
9 make any sale or delivery of beer to any retail licensee whose  
10 place of business is not within the territory granted to the  
11 wholesaler.

12 (Source: P.A. 95-240, eff. 8-17-07; 96-662, eff. 8-25-09;  
13 revised 10-30-09.)

14 Section 690. The Right to Privacy in the Workplace Act is  
15 amended by changing Section 12 as follows:

16 (820 ILCS 55/12)

17 Sec. 12. Use of Employment Eligibility Verification  
18 Systems.

19 (a) Prior to choosing to voluntarily enroll in any  
20 Electronic Employment Verification System, including the  
21 E-Verify program and the Basic Pilot program, as authorized by  
22 8 U.S.C. 1324a, Notes, Pilot Programs for Employment  
23 Eligibility Confirmation (enacted by P.L. 104-208, div. C,  
24 title IV, subtitle A), employers are urged to consult the

1 Illinois Department of Labor's website for current information  
2 on the accuracy of E-Verify and to review and understand an  
3 employer's legal responsibilities relating to the use of the  
4 voluntary E-Verify program.

5 (a-1) The Illinois Department of Labor (IDOL) shall post on  
6 its website information or links to information from the United  
7 States Government Accountability Office, Westat, or a similar  
8 reliable source independent of the Department of Homeland  
9 Security regarding: (1) the accuracy of the E-Verify databases;  
10 (2) the approximate financial burden and expenditure of time  
11 that use of E-Verify requires from employers; and (3) an  
12 overview of an employer's responsibilities under federal and  
13 state law relating to the use of E-Verify.

14 (b) Upon initial enrollment in an Employment Eligibility  
15 Verification System or within 30 days after the effective date  
16 of this amendatory Act of the 96th General Assembly, an  
17 employer enrolled in E-Verify or any other Employment  
18 Eligibility Verification System must attest, under penalty of  
19 perjury, on a form prescribed by the IDOL available on the IDOL  
20 website:

21 (1) that the employer has received the Basic Pilot or  
22 E-Verify training materials from the Department of  
23 Homeland Security (DHS), and that all employees who will  
24 administer the program have completed the Basic Pilot or  
25 E-Verify Computer Based Tutorial (CBT); and

26 (2) that the employer has posted the notice from DHS

1           indicating that the employer is enrolled in the Basic Pilot  
2           or E-Verify program and the anti-discrimination notice  
3           issued by the Office of Special Counsel for  
4           Immigration-Related Unfair Employment Practices (OSC),  
5           Civil Rights Division, U.S. Department of Justice in a  
6           prominent place that is clearly visible to both prospective  
7           and current employees. The employer must maintain the  
8           signed original of the attestation form prescribed by the  
9           IDOL, as well as all CBT certificates of completion and  
10          make them available for inspection or copying by the IDOL  
11          at any reasonable time.

12          (c) It is a violation of this Act for an employer enrolled  
13          in an Employment Eligibility Verification System, including  
14          the E-Verify program and the Basic Pilot program:

15                (1) to fail to display the notices supplied by DHS and  
16                OSC in a prominent place that is clearly visible to both  
17                prospective and current employees;

18                (2) to allow any employee to use an Employment  
19                Eligibility Verification System prior to having completed  
20                CBT;

21                (3) to fail to take reasonable steps to prevent an  
22                employee from circumventing the requirement to complete  
23                the CBT by assuming another employee's E-Verify or Basic  
24                Pilot user identification or password;

25                (4) to use the Employment Eligibility Verification  
26                System to verify the employment eligibility of job

1 applicants prior to hiring or to otherwise use the  
2 Employment Eligibility Verification System to screen  
3 individuals prior to hiring and prior to the completion of  
4 a Form I-9;

5 (5) to terminate an employee or take any other adverse  
6 employment action against an individual prior to receiving  
7 a final nonconfirmation notice from the Social Security  
8 Administration or the Department of Homeland Security;

9 (6) to fail to notify an individual, in writing, of the  
10 employer's receipt of a tentative nonconfirmation notice,  
11 of the individual's right to contest the tentative  
12 nonconfirmation notice, and of the contact information for  
13 the relevant government agency or agencies that the  
14 individual must contact to resolve the tentative  
15 nonconfirmation notice;

16 (7) to fail to safeguard the information contained in  
17 the Employment Eligibility Verification System, and the  
18 means of access to the system (such as passwords and other  
19 privacy protections). An employer shall ensure that the  
20 System is not used for any purpose other than employment  
21 verification of newly hired employees and shall ensure that  
22 the information contained in the System and the means of  
23 access to the System are not disseminated to any person  
24 other than employees who need such information and access  
25 to perform the employer's employment verification  
26 responsibilities.†

1 (c-1) Any claim that an employer refused to hire,  
2 segregated, or acted with respect to recruitment, hiring,  
3 promotion, renewal or employment, selection for training or  
4 apprenticeship, discharge, discipline, tenure or terms,  
5 privileges, or conditions of employment without following the  
6 procedures of the Employment Eligibility Verification System,  
7 including the Basic Pilot and E-Verify programs, may be brought  
8 under paragraph (G) (2) of Section 2-102 of the Illinois Human  
9 Rights Act.†

10 (c-2) It is a violation of this Section for an individual  
11 to falsely pose as an employer in order to enroll in an  
12 Employment Eligibility Verification System or for an employer  
13 to use an Employment Eligibility Verification System to access  
14 information regarding an individual who is not an employee of  
15 the employer.

16 (d) Preemption. Neither the State nor any of its political  
17 subdivisions, nor any unit of local government, including a  
18 home rule unit, may require any employer to use an Employment  
19 Eligibility Verification System, including under the following  
20 circumstances:

- 21 (1) as a condition of receiving a government contract;  
22 (2) as a condition of receiving a business license; or  
23 (3) as penalty for violating licensing or other similar  
24 laws.

25 This subsection (d) is a denial and limitation of home rule  
26 powers and functions under subsection (h) of Section 6 of

1 Article VII of the Illinois Constitution.

2 (Source: P.A. 95-138, eff. 1-1-08; 96-623, eff. 1-1-10; revised  
3 11-4-09.)

4 Section 695. The Prevailing Wage Act is amended by changing  
5 Section 2 as follows:

6 (820 ILCS 130/2) (from Ch. 48, par. 39s-2)

7 Sec. 2. This Act applies to the wages of laborers,  
8 mechanics and other workers employed in any public works, as  
9 hereinafter defined, by any public body and to anyone under  
10 contracts for public works. This includes any maintenance,  
11 repair, assembly, or disassembly work performed on equipment  
12 whether owned, leased, or rented.

13 As used in this Act, unless the context indicates  
14 otherwise:

15 "Public works" means all fixed works constructed or  
16 demolished by any public body, or paid for wholly or in part  
17 out of public funds. "Public works" as defined herein includes  
18 all projects financed in whole or in part with bonds, grants,  
19 loans, or other funds made available by or through the State or  
20 any of its political subdivisions, including but not limited  
21 to: bonds issued under the Industrial Project Revenue Bond Act  
22 (Article 11, Division 74 of the Illinois Municipal Code), the  
23 Industrial Building Revenue Bond Act, the Illinois Finance  
24 Authority Act, the Illinois Sports Facilities Authority Act, or

1 the Build Illinois Bond Act; loans or other funds made  
2 available pursuant to the Build Illinois Act; or funds from the  
3 Fund for Illinois' Future under Section 6z-47 of the State  
4 Finance Act, funds for school construction under Section 5 of  
5 the General Obligation Bond Act, funds authorized under Section  
6 3 of the School Construction Bond Act, funds for school  
7 infrastructure under Section 6z-45 of the State Finance Act,  
8 and funds for transportation purposes under Section 4 of the  
9 General Obligation Bond Act. "Public works" also includes all  
10 projects financed in whole or in part with funds from the  
11 Department of Commerce and Economic Opportunity under the  
12 Illinois Renewable Fuels Development Program Act for which  
13 there is no project labor agreement. "Public works" also  
14 includes all projects at leased facility property used for  
15 airport purposes under Section 35 of the Local Government  
16 Facility Lease Act. "Public works" also includes the  
17 construction of a new wind power facility by a business  
18 designated as a High Impact Business under Section 5.5(a)(3)(E)  
19 of the Illinois Enterprise Zone Act. "Public works" does not  
20 include work done directly by any public utility company,  
21 whether or not done under public supervision or direction, or  
22 paid for wholly or in part out of public funds. "Public works"  
23 does not include projects undertaken by the owner at an  
24 owner-occupied single-family residence or at an owner-occupied  
25 unit of a multi-family residence.

26 "Construction" means all work on public works involving

1 laborers, workers or mechanics. This includes any maintenance,  
2 repair, assembly, or disassembly work performed on equipment  
3 whether owned, leased, or rented.

4 "Locality" means the county where the physical work upon  
5 public works is performed, except (1) that if there is not  
6 available in the county a sufficient number of competent  
7 skilled laborers, workers and mechanics to construct the public  
8 works efficiently and properly, "locality" includes any other  
9 county nearest the one in which the work or construction is to  
10 be performed and from which such persons may be obtained in  
11 sufficient numbers to perform the work and (2) that, with  
12 respect to contracts for highway work with the Department of  
13 Transportation of this State, "locality" may at the discretion  
14 of the Secretary of the Department of Transportation be  
15 construed to include two or more adjacent counties from which  
16 workers may be accessible for work on such construction.

17 "Public body" means the State or any officer, board or  
18 commission of the State or any political subdivision or  
19 department thereof, or any institution supported in whole or in  
20 part by public funds, and includes every county, city, town,  
21 village, township, school district, irrigation, utility,  
22 reclamation improvement or other district and every other  
23 political subdivision, district or municipality of the state  
24 whether such political subdivision, municipality or district  
25 operates under a special charter or not.

26 The terms "general prevailing rate of hourly wages",

1 "general prevailing rate of wages" or "prevailing rate of  
2 wages" when used in this Act mean the hourly cash wages plus  
3 fringe benefits for training and apprenticeship programs  
4 approved by the U.S. Department of Labor, Bureau of  
5 Apprenticeship and Training, health and welfare, insurance,  
6 vacations and pensions paid generally, in the locality in which  
7 the work is being performed, to employees engaged in work of a  
8 similar character on public works.

9 (Source: P.A. 95-341, eff. 8-21-07; 96-28, eff. 7-1-09; 96-58,  
10 eff. 1-1-10; 96-186, eff. 1-1-10; revised 8-20-09.)

11 Section 995. No acceleration or delay. Where this Act makes  
12 changes in a statute that is represented in this Act by text  
13 that is not yet or no longer in effect (for example, a Section  
14 represented by multiple versions), the use of that text does  
15 not accelerate or delay the taking effect of (i) the changes  
16 made by this Act or (ii) provisions derived from any other  
17 Public Act.

18 Section 996. No revival or extension. This Act does not  
19 revive or extend any Section or Act otherwise repealed.

20 Section 999. Effective date. This Act takes effect upon  
21 becoming law.

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